

NATAL REGIONAL SURVEY

Volume 10

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THE HISTORY OF  
THE INDIANS IN NATAL

BY

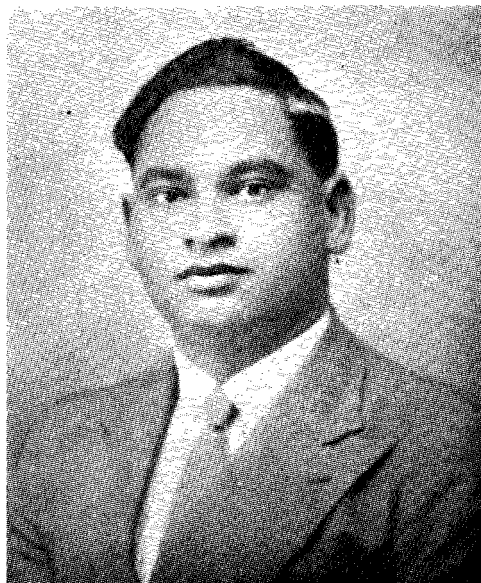
MABEL PALMER

D. PHIL. (S.A.), M.A. HONS. (GLASGOW)



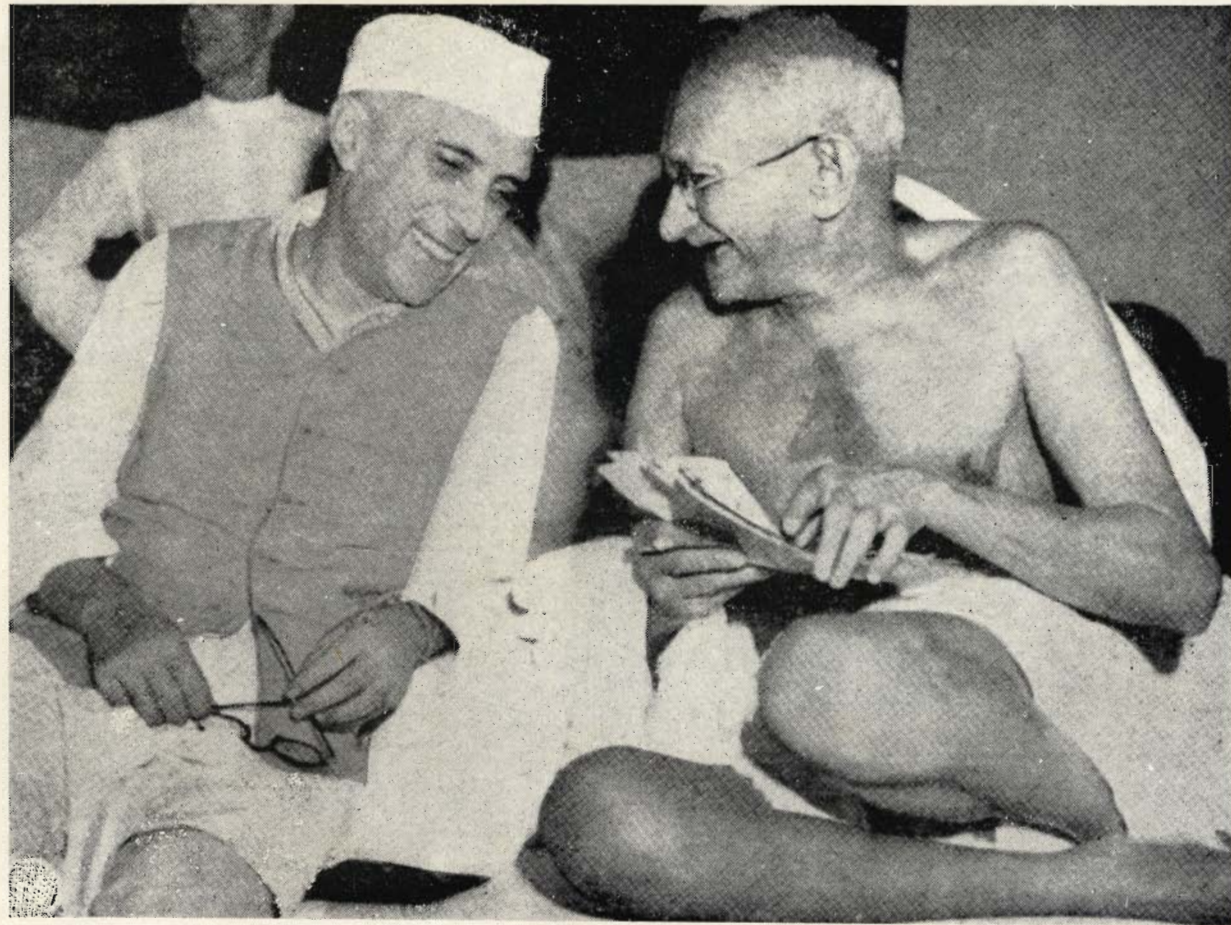
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### *Dedication*

*To the memory of V. Sirkari Naidoo who undertook to finish this book but was unfortunately killed in a motor accident on his way to Pietermaritzburg to consult the archives. His loss was greatly deplored and not least by the Department of Economics in the University of Natal, of which he was the first Indian Research Fellow.*



Mahatma Gandhi and Mr. Jawaharlal Nehru

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The author is however alone responsible for the selection and presentation of facts. It has been her endeavour to be as impersonal as possible, but she is entirely responsible for certain views which are expressed about the probable future of the Indians in South Africa in the last chapter.

Finally, she wishes to express her sincere thanks to Mr. H. R. Burrows, William Hudson Professor of Economics in the University of Natal, without whose constant encouragement this book would never have been completed.



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## DR. MABEL PALMER

Dr. Mabel Palmer (née Mabel Atkinson), born at Stockfield, Northumberland in 1876, received her early education in the village school and then in Glasgow. Graduating from the University of Glasgow with First Class Honours in Philosophy and Second Class Honours in Classics, Miss Atkinson continued her studies at the London School of Economics and later at Bryn Mawr College in the United States. Returning to England, she became a teacher in a Newcastle high school and then a lecturer at Armstrong College, now Kings College, Durham.

Dr. Palmer's long and active career has been distinguished and varied. She was for a time the first woman after Harriett Martineau to hold the position of leader writer on the London *Daily News*; her later activities included a tutorship under the Joint Committee of the University of London and the Workers' Educational Association; membership of the executive council of the Fabian Society, which enabled her to work with Sidney Webb, Bernard Shaw and R. C. K. Ensor; editor of the *Register of Current Events*; authorship of a number of books, ranging from *The Local Government of Scotland to Child Welfare*; and a lectureship in Economics at Kings College for Women, University of London. With the courage and persistence typical of her personality, she threw her energies into the Suffragette movement, for a time under the direction of the renowned Christabel Pankhurst, addressing public gatherings, and taking part in every demonstration from the first 'Mud March' to the great March of 1914.

Early in the 1914-18 war, she read a paper to the Fabian Society on the setting up of a Super-National Society, as a result of which a Committee was set up under her chairmanship. The Report of that Committee, together with the amendment by Sidney Webb on Sanctions, became the foundation for the discussion of a Constitution of the League of Nations.

At the end of the First World War, after spending six months in Australia, Dr. Palmer came to South Africa and was appointed lecturer in Economics at the Natal Technical College. Her special interest lay with the Workers' Educational Association, of which she subsequently became the director for Durban and District. In 1931, she was transferred to the staff of the Natal University College as lecturer in Economic History, a position which she held until she retired in 1936. This, however, was only a temporary check to her career.

Immediately, she obtained permission from the Council of the Natal University College to initiate University classes for the higher education of non-Europeans. With courage and persistence she met and overcame one difficulty after another; and during the twenty-one years since she became Director and organizer of the non-European section of the University, she has seen the graduation of 244 students (including 17 of the first women to achieve university degrees in South Africa).

In recognition of her achievements the University honoured her with a doctorate (D.Phil.) at its Graduation Ceremony in May 1947.

Failing eyesight brought about her second retirement at the age of 80, but her advice is still sought by the University on matters of policy concerning the non-European section.

This work, on the History of the Indians in Natal, is her most recent contribution to scholarship, and, we hope, not her last.

H. R. BURROWS

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## CHAPTER I

### THE SITUATION PRIOR TO 1860

THE Indian problem in Natal is in one sense a small matter; it concerns about a quarter of a million persons set in a large and under-populated country.<sup>1</sup> But it has become so entwined with racial prejudices, so interwoven with international considerations, so much the centre of complicated interlocking interests and sentiments that many good judges declare it to be insoluble. Further, the circumstances which led to the introduction of Indians to Natal and the conditions on which the Indian and British governments sanctioned their coming are so generally unknown that still more obscurity is cast on the whole subject, and arguments totally unjustifiable if all the facts were known are yet the common coin of party politics.

For these reasons, it has seemed wise to begin with a short account of the general historical circumstances affecting on the one hand Natal in the middle of the nineteenth century, and India and the British policy towards emigration and immigration on the other. When the general features of the historical background are understood we can then go forward securely to the narrative of the particular facts to be studied in this book.

Natal—the Christmas land—was so named at the end of the fifteenth century by Vasco da Gama, since he sailed past the coast on Christmas day.<sup>2</sup> But it was not till well over 300 years later that Europeans actually settled in the country.<sup>3</sup> There were small sporadic expeditions and settlements from early in the nineteenth century, and before the middle of the century there came two fairly considerable converging lines of advance—the trekking Boers from the interior and the British from the sea.<sup>4</sup> The Boers were actually the first to establish a settled if primitive government—the Republic of Natalia, with its capital at Pietermaritzburg, which was founded to commemorate the victory of the Battle of Blood River. It was so named after the two famous Boer leaders, Gerrit Maritz who died in 1838 and Piet Retief who was treacherously murdered by the Zulu Chief, Dingaan, in the same year. Meanwhile, there had been since 1824 a small unofficial British settlement on the coast at Port Natal. The British Government had been urged frequently

<sup>1</sup> The total number of Indians in Natal in 1956 was approximately 344,000 and in South Africa 421,000. Monthly Bulletin of Statistics Feb./March, 1956.

<sup>2</sup> Historians today believe that da Gama was almost certainly further south, off the Pondoland coast, on Christmas Day. Nevertheless, the name Natal has always been associated with the part of the coast immediately north of Pondoland.

<sup>3</sup> Mann, R. J., *The Colony of Natal*, 1859, Chapter II.

<sup>4</sup> Hattersley, A. F., *The British Settlement of Natal*, 1950, Chapters I and II.

to annex the country and give a settled government to D'Urban,<sup>1</sup> as the tiny group of British had named their coastal town (or rather village) in 1835. But it was not until Boer Native policy in Natal threatened to disrupt British administration along the eastern frontier of the Cape Colony that the government in London could be persuaded to annex Natal as a dependency of the Cape in 1843.<sup>2</sup> The Boers left Natal and they then retraced their steps inland, starting what is sometimes called the second Great Trek out of Natal into the Orange Free State and the Transvaal. In spite of the efforts of the Governor of the Cape to retain them, only a few of the Boers were ultimately persuaded to halt and settle in the north of Natal.

The country so acquired by the British Empire is a beautiful and on the whole a fertile strip of land lying between the Drakensberg and the sea. It rises from the sea to the mountains in a series of steps, giving rise to fairly level plateaux, each reached by a stiff ascent, until finally the great mountain barrier of the Drakensberg towers before the traveller. The coastal strip is sub-tropical and very fertile. The midland areas have a more temperate climate and are suitable for cattle-rearing and the growing of maize and other cereals. Also there are important coal deposits in this area. But the great disadvantage of Natal in the early days was the difficulty of transport. Natal, unlike much of the rest of South Africa, is blessed with many permanent rivers, short and swift-flowing, with many waterfalls and rapids, very beautiful but quite useless as a means of transport. There are no deeply indented estuaries or creeks, so the colonists, as soon as they left the coast, had to depend on road transport, which meant for the single traveller horseback, and for the carriage of parties or of material the slow-moving ox-wagon. The coming of railways in the 1870's meant a great revolution in the economic conditions of the country, much greater than elsewhere.

The outstanding factor in Natal was the presence of large numbers of Bantu. The tribes were still broken and disorganised by the wars of Chaka and the victories of the Boers, but they numbered probably about 200,000 in 1880<sup>3</sup> and their existence made the settlement and development of Natal and South Africa as a whole quite different from that of Canada and Australia. The Natives, as will be seen, did not provide at that date a satisfactory or reliable labour force, but they did provide workers of a kind. This was sufficient to establish the custom that all unskilled labour should be reserved

<sup>1</sup> It was named after Sir Benjamin D'Urban at that time the British Governor of the Cape Colony.

<sup>2</sup> See Chapter II, page 9.

<sup>3</sup> The Native population in Natal numbered about 25,000 in 1838; by 1845 refugees had swelled this number to approximately 100,000; between 1845 and 1881 this number was doubled. cf. Brookes, E. H., *History of Native Policy in South Africa*, 1927, pp. 22, 25, 41.

for them and that the white man should confine himself to organisation and supervision and to skilled trades, a system already of course in operation in the rest of South Africa.

In this general arrangement the white man inevitably came to think of himself as superior and to expect that all rough manual work would be done by black or coloured races. At all events, he could not himself work in the fields; even apart from the climate which, in the Natal coastal belt, makes hard out-door manual labour very unsuitable for white men, he would lose prestige and social standing by attempting it. Therefore, the white Natalian did not expect to do farm work himself, but to make a living, and sometimes a fortune, by employing other people to do the hard manual work under his direction.

There was a very large black population in Natal, probably outnumbering the few whites by ten or more to one in the decade 1840-50.<sup>1</sup> But though the Zulus who inhabit Natal as well as Zululand make good domestic servants, provided they can return to their kraals for long and fairly frequent holidays, they did not in the middle of the nineteenth century make satisfactory wage-workers in any continuous industrial process. They were a pastoral people, practising also a small amount of extensive agriculture, and even the latter was left mostly to women. The men were accustomed to occasional strenuous efforts in hunting, hut-building and fighting, but not to steady toil day in, day out.

However, with the arrival of the white man this form of existence changed to some extent. The young men now left the tribal areas to seek work; working for the white men came to play the same part in Zulu life as training for participation in war had done in their primitive social organisation before the influx of Europeans and the cessation of inter-tribal fighting. Therefore, the real centre and interest of their lives was still in the kraal and the tribal areas, where any important happening would make Zulu workers throw up their jobs and decamp, without notice, from their employment in white enterprises. The Native policy organised by the Republic of Natalia prior to British occupation was to settle five Native families on each farm, and to move the surplus Native population to a large area between two south coast rivers—the Umtamvuna and Umzimvubu. This would have created a system similar to serfdom as indeed happened in the areas now known as the Orange Free State and the Transvaal. Discipline could, therefore, have been enforced by threatened expulsion from the land and probably also by more direct means.

Natal, however, developed a different system under the guidance of that great figure in early colonial history, Theophilus Shepstone. His policy will be more fully described in the next chapter.<sup>2</sup> Here

<sup>1</sup> At present the proportion is nearly 7 to 1. *1951 Population Census, Special Report No. 200.*

<sup>2</sup> cf. Chapter II, pp. 11-14.



it is sufficient to say that Shepstone introduced a system of tribal reserves where the Zulus lived under their own chiefs and their own laws, continuing their traditional methods of subsistence agriculture and cattle-herding.

Naturally, the continuance of the tribal system in the tribal reserves intensified the independence of the Zulus. In the mid-nineteenth century, the reserves were adequate for the Native population. Their land and communal grazing grounds yielded them a sufficient livelihood; they had no urgent need to work for the white man and when they did, they left their families in the reserves and came to the white man's area to earn pocket money and as a temporary adventure. There were many advantages in this system; it gave to the Zulu a standing-ground of his own and time to adapt himself to the new conditions brought by white civilisation. But it did not provide a hardworking dependable labour force. When a hut tax for the Natives was instituted in 1849, payable in money, it was openly stated that its object was to compel Natives to seek service with the white man, as this was the only means of securing the cash in which the tax payment had to be made. But even with this extra inducement, the Native labour in Natal, notwithstanding that the Natives immensely outnumbered the white community, was casual, fitful, quite unskilled, and completely unreliable.

So the Europeans became accustomed to a system by which all the hard manual work was done by the black-skinned people who lived among them for a time, who existed in the midst of the white community only as a source of labour, and returned ultimately to their traditional family home. In this way the stage was set in Natal for the coming of the Indians.

We must turn next to the conditions under which emigration from India was permitted. The coming of the Indians to Natal was no spontaneous uncontrolled movement of adventurous individuals seeking a better livelihood than their home country gave them. It was part of an elaborate system organised and controlled by the governments of Great Britain and India. The Indian government was, of course, entirely conducted by the British at this time; it was, however, a separate government with a delegated yet very considerable authority.

The organised system of indentured Indian emigration came about chiefly as a result of the abolition of slavery in the British Empire in 1834. The freed slaves in many areas refused to work, and in Mauritius in particular, the planters were desperate for labour. Indian recruiters, already accustomed to supply Indian labourers to Ceylon though not under indenture, stepped into the breach and contracted to bring Indian immigrants to work on the Mauritian sugar plantations.<sup>1</sup>

<sup>1</sup> Kondapi, C., *Indians Overseas, 1838-1949*, 1951, pp. 8-16, 29-40.

When this became known in London, it was attacked in the House of Commons in 1837 by Mr. Buxton and Lord Brougham as a recrudescence of slavery, abolished in the British Empire only three years earlier.<sup>1</sup> A small Commission of Inquiry was appointed, of which three members were against the system altogether, but a fourth member, Sir J. P. Grant, wrote an elaborate memorandum advocating a system of indentured labour under proper safeguards. 'The measures recommended by him included the restriction of emigration to certain ports, at each of which a Protector of Emigrants should be appointed who should be responsible that no coercion was employed, and that all proper regulations concerning space, food, water, ventilation, medicine, etc., on the voyage had been duly attended to'. Sir J. P. Grant ' . . . also advocated that security for return passage should be insisted on, and that the Government should refuse permission to ship emigrants to any colony where in its opinion "the law applicable to such emigrants is not in all respects such as is suitable to men of that class, and where adequate practical facilities, considering the circumstances of the immigrants are not afforded by the colonial forms of procedure and institutions"'. He added: "In regard to law in the colony, no power to retain labourers within the limits of an estate, nor otherwise to interfere with their liberty out of working hours, nor to inflict corporal punishment upon them or any other punishment except by the hands of public justice, should, in my opinion, be permitted". Sir J. P. Grant's views have been given at some length because, though enunciated in the early stage of the history of indentured emigration, they have in practice afforded the basis of all subsequent legislation.<sup>2</sup>

When the report was presented to Parliament in 1842, the views of the Commission of Inquiry were defeated by 113 to 24 and Sir J. P. Grant's proposals were endorsed instead. As a result, Indian emigration to Mauritius was resumed and later on extended to other colonies. But very careful safeguards were insisted on. The recruiters were licensed; emigration took place through a small number of ports only, chief of which were Calcutta and Madras.<sup>3</sup> At these ports a special official was stationed—the Protector of

<sup>1</sup> *Report of the Committee of Emigration from India to the Crown Colonies and Protectorates, U.K. Cd. 5192, 1910, p. 2.*

<sup>2</sup> *U.K. Cd. 5192, 1910, op. cit., p. 3.*

<sup>3</sup> Letter of Emigration Commissioners to H. Merrivale, Esq., 19 Feb. 1856; Letter from Cecil Beadon, Esq., Secretary to Government of India to Colonial Secretary Cape of Good Hope, end of 1856; Letter from Secretary to the Government of India, Cecil Beadon, to Colonial Secretary, Cape of Good Hope, forwarded to Colonial Secretary, Natal, 1857. Letter from Government of India (Home Dept.) (No. 44) 31 March 1858 to East India Company (Views of Indian Government and Records of Original Transactions. Emigration Commissioners' Extract to H. Merrivale, 14 June 1858, L.C. No. 9, 1858.) Scott's Despatch to Secretary of State for Colonies, 28 June 1859; Newcastle, Secretary of State for Colonies, despatch to Lieut.-Gov. of Natal, 5 Dec. 1859. (Natal Archives.)

Emigrants—whose duty it was to make sure as far as possible that the emigrant was departing of his own free will and that he had some idea of the contract into which he was entering. Ships were licensed for each voyage and were carefully supervised in relation to health conditions. This last regulation seems to have worked satisfactorily; there were hardly any serious complaints with regard to the voyage, though occasionally an immigrant ship arrived with infectious disease on board. Voyages to the West Indies in the northern winter involved so much discomfort to those accustomed only to the warm climates of India, that ultimately these voyages were restricted to certain seasons of the year.

As far as it could, the Indian Government continued to care for its emigrants in the country of their destination. Each receiving colony had to enter into a separate agreement with the Government of India: the wages and rations of immigrants were specified and they were to receive medical treatment in illness; their terms of indentured service were laid down; the receiving country had to appoint a Protector of Immigrants whose office it was to see that the terms of the agreement were carried out and to remedy any legitimate grievances of the immigrants. How completely Natal misunderstood this obligation will be seen later. Further, the immigrant was to be guaranteed a return passage to India if he desired it, or, if he elected to stay in his new country, was to come under the same law as the other inhabitants and not be subject to any special or restrictive legislation by reason of his alien origin.<sup>1</sup> Naturally, the exact details of the agreement between the two countries, India and the colony receiving the immigrants, differed from place to place, and they were by no means always closely adhered to. But these general principles regulated Indian indentured emigration from 1842 till its final abolition in 1917.<sup>2</sup>

But this was not all. In Great Britain a special body was set up to control emigration—the Colonial Land and Emigration Commission. It had come into existence in order to implement the theories of Edward Gibbon Wakefield with regard to planned emigration. Wakefield held that emigration should always involve a representative 'slice' of the home community and should not include, as tends to be the case in spasmodic and unplanned emigration, only young male adults. Accordingly, the Colonial Land and Emigration Commission always insisted that a certain proportion of women should be included in each emigrant party, together with some individuals of the upper classes—doctors, clergymen, and teachers. Also, if the emigrants went to take up land, the land was to be sold, not granted free, so that they would in most cases be

<sup>1</sup> Letter of Emigration Commissioners to H. Merrivale, Esq., 19 Feb. 1856; Letter from Court of Directors of East India Company, 20 March 1856; Government Ordinance, No. 3, 10 Nov. 1856.

<sup>2</sup> Emigration to Natal was abolished in 1911, see Chap. IV, p. 69.

compelled to work as wage-earners for a time. These regulations were drawn up for emigration to predominantly white countries like Australia and New Zealand. But the British Government arranged that the Land and Emigration Commission should help in drawing up the regulations with regard to Indian emigration, and so the inclusion of a certain number of women in each emigrant party became obligatory. Apparently, too, a few Indians of higher caste (Brahmins for example), were sometimes also included. The regulations as to the sale of land were not needed in the case of this Indian immigration, as the indentured persons were bound in any case to work for a period, namely five years, and were also usually very poor and quite unable to take up land on a large scale. But the Government of India several times expressed its hope that the ex-indentured immigrants would be settled as smallholders.

This system of indentured Indian immigration was first adopted for Mauritius in 1842. Later other areas, especially in the West Indies, were also granted permission to import indentured Indian labourers. (Thus, at present, one-third of the population of Trinidad is East Indian.) Still later, the same system was introduced in Fiji. The stream that came to Natal was small in comparison. Mrs. Lilian Knowles, a well-known economic historian, says that Indian emigration in the nineteenth century was second in importance only to the movement of the British population to Canada, Australia, and New Zealand!<sup>1</sup> It has resulted in the establishment of permanent populations of Indian descent in areas scattered far and wide throughout the British Empire, and indeed outside it, for indentured Indian immigration was also permitted to French and Dutch colonies. In no other area, however, did the same complications arise as in Natal, for in no other area was there a considerable settled white population, and in no other area was there a strong and virile Native population who were organised under a system of migrant labour employed by the European settlers. It is time, therefore, to leave these general introductory considerations and to describe in detail the coming of the Indians to Natal.

#### NOTE ON EDWARD GIBBON WAKEFIELD AND HIS POLICIES

One great lack in the history of the British Commonwealth is an authoritative and critical account of the life of E. G. Wakefield. He was a most extraordinary person, the originator of most of the ideals and methods which have led to the evolution of the British Commonwealth of the twentieth century from the British Empire of the early nineteenth century. But at the same time he was per-

<sup>1</sup> Indentured emigration of Indian labour was first permitted by the Government of India in 1839 to Mauritius, but so grave were the abuses that in 1840 the Indian Government prohibited this emigration. It was only resumed in 1842 under very definite conditions contained in Act XV of 1842 which permitted emigration to Mauritius from Calcutta, Madras, and Bombay.

sonally so disreputable that, till his old age, he could never hold any public position. He was a renegade Quaker who twice in his life abducted an heiress. The second time he was caught and sentenced to a term of imprisonment in Newgate, and while there produced a small book, *A Letter from Sydney*, describing so accurately the difficulties facing the new colony that everybody believed it was written by a man on the spot. It advocated the policy of selling colonial land and using the proceeds to provide assistance for new immigrants, and also roads, schools, etc. for the new settlement; that each party of immigrants should include both men and women, skilled and unskilled labourers, and in addition some members of the professional classes and capitalists. Wakefield is not very popular in Australasia, as his ideas are thought to be undemocratic; nevertheless it is certainly due to him that these areas are now predominantly white, and indeed predominantly British. The Colonial Office almost immediately adopted the policies advocated in *A Letter from Sydney* and in so doing set up the Land and Emigration Commission already mentioned. Later, Wakefield with Buller produced a book advocating self-government for the colonies and bitterly attacked 'Mr. Mother Country' which was a deliberate caricature of James Stephen, Permanent Under-Secretary for the Colonies. Lord Durham took Wakefield in his train when he was sent to investigate the 1837 rebellion in Canada. That visit resulted in the famous Durham Report, which is the foundation of constitutional development in the colonies. It was commonly said: 'Wakefield thought it, Buller wrote it, Durham signed it'. Indeed, there is a story that Durham had decided to suppress the report, so disheartened was he by the public criticism of his Canadian mission, and that Wakefield forced his hand by sending in advance a copy to *The Times*.

In his later life, Wakefield promoted companies and associations, often under the auspices of churches, for the colonization of Australia and New Zealand. Adelaide in South Australia is one of his projects. Dunedin in New Zealand was established by a company of Scottish Presbyterians under his persuasion, and Canterbury similarly by the Church of England. He migrated to New Zealand and there became a member of the legislative council, the only public office ever held by a man whose original and sensible ideas had the most profound influence on the growth of the British Empire.

## CHAPTER II

### THE ARRIVAL OF THE INDIANS IN NATAL, 1860-1870

WE have now to see how the little colony of Natal came to avail itself of the provision of Indian labour under the system already worked out for Mauritius and the West Indian colonies.

Natal had been taken over by the British Crown in 1843 only after the trekking Boers had established a Republic of Natalia with its capital at Pietermaritzburg, and had made their way down to the coast where they came in contact with the small British settlement already established there, but not yet officially taken over by the Home Government. Britain cared, as a general rule, very little for what happened in the interior of any land, and as long as the Trekkers remained in the interior, Britain took no steps to interfere with them, though they were still regarded as British subjects.<sup>1</sup> Once, however, they had reached the sea and seemed likely to take possession of the only good harbour on the Natal coast line, the sensitiveness of British sea power awoke, and it was decided in 1843 to annex Natal. (The British Government was also concerned by the Boer decision to settle Natives between the Umzimvubu and Umtamvuna rivers.)

Natal was at first governed as a dependency of the Cape. It was not until 1856 that it was made a separate colony with a partly elected Legislative Council and a Charter, the provisions of which will be indicated later, providing for manhood suffrage on a small property qualification. But even before 1856 British settlers had been arriving in greater numbers. In particular, there was a fairly considerable scheme initiated by J. C. Byrne in 1848.<sup>2</sup> It was not very successful but it did advertise Natal and it did add a certain number of white settlers to the population.

In the early part of the nineteenth century, trade with the infant settlement was mainly in such products as hides and ivory, but it was obvious that the land was fertile and experiments in cultivation

<sup>1</sup> Under the Cape of Good Hope Punishment Act, passed on 13 August 1836, all persons living south of latitude 25° south were liable to be recalled to the Cape Colony and tried under British law for crimes committed beyond the Colonial boundaries. cf. Walker, E. A., *The Great Trek*, 1934, pp. 102, 282, 290-1; Eybers, G. W., *Select Constitutional Documents Illustrating South African History 1795-1910*, pp. 146-148.

<sup>2</sup> Hattersley, A. F., *The British Settlement of Natal*, 1950, pp. 106-122.

had begun. Maize could be grown, particularly in the midland area, but the export of maize could not develop until railways were available. In the days of ox-wagons, it never paid to transport maize more than thirty miles. Experiments were also made with coffee and arrowroot neither of which proved successful and were soon given up; cotton was also tried and had, indeed, a minor boom during the American Civil War; but in the end it proved that sugar was the main crop for which the Natal coastal area was most suitable. Several considerable plantations and cane crushing machinery were already in operation by the middle of the 1850's. It became apparent, indeed, that if Natal were to prosper and progress, sugar must be the mainstay of the new commercial development. The land was there—fertile, virgin land—skilled managers were available, banks<sup>1</sup> began to operate in Natal and the necessary capital could be secured, but the problem was labour. Sugar above all depends upon a steady supply of labour and it was this factor that was lacking.

As already explained in the first chapter, it was unreasonable to expect the white man to undertake manual work in the fields in the semi-tropical conditions of Natal and in the psychological climate of South Africa. The good planter prided himself, as a matter of fact, on being able to do every job on his estate better than his labourers, but he was the manager of a large plantation and was therefore inevitably much engaged in managerial duties. It was not conceivable that an estate should be worked entirely by white labour. Some form of cheap non-European labour had to be found, and the first question to be answered is: Why was it not possible to draw upon the Natives? In 1850, the white population was some 5,000, while the Bantu population was between 90,000 and 100,000. It would seem that here was an ample supply of labour for the plantations of the white settlers, and indeed, successive colonial secretaries inquired pointedly why Natal, in these circumstances, needed to import labour.

But as a matter of fact the answer is easy. First of all, the Natives at that time were still in a stage of subsistence economy. They could in their own land raise all that they themselves required. The hard work of the kraal was traditionally done by women; the men looked after the cattle, fought and hunted, built Native huts, and did other tasks customarily held to be male duties. But such agriculture as was carried on was entirely by hoe cultivation in the land and woods. Native men were quite unaccustomed to regular steady work and had not the vaguest conception of what was meant by a contract of labour. If there was any interesting happening in the tribe at home, any ceremonial occasion demanding their presence

<sup>1</sup> By 1863 Natal possessed five banks, the oldest of which was the Natal Bank, founded in 1854. In 1914 the Natal Bank was amalgamated with the National Bank of South Africa. cf. Hattersley, A. F., *The British Settlement of Natal*, 1950, pp. 309-11.

such as a marriage or a special feast, it seemed only natural that they should desert their employer and return to the kraal without giving any indication of when they expected to return to work. The planters, in these circumstances, were all in favour of applying some compulsion to work; and, in fact, the hut tax which had to be paid in cash was introduced in 1849 for the very purpose of forcing the Natives out to work. Further, the planters demanded that the magistrates should assist in the work of providing Native labour recruits, but this proposal was blocked by Shepstone. This necessitates a further consideration of the second factor which made it impossible to employ Native labour on any considerable scale, i.e., the influence of Theophilus Shepstone and the fact that he had the ear of the Colonial Office at home.

Theophilus Shepstone was a most remarkable man, and it is a serious gap in the colonial history of Britain that no adequate biography of him exists. He was the son of a missionary in Pondoland. He was brought up on his father's mission in the Cape Colony and learnt to speak the Native languages fluently. From his companionship with the Native peoples at the mission, and probably with unconverted visitors, he came to appreciate the fact that the Bantu peoples of South Africa were very far from being simple savages, as savagery was understood at that time. They had an elaborate social system, very well suited to the conditions in which they then lived, and an elaborate customary law. Shepstone, as a result of his experience, came to have a great admiration and sympathy for the Bantu peoples. He was appointed Native interpreter to the officers sent to occupy Natal; and when the annexation was completed, he was invited in 1845 to remain as Diplomatic Agent to the Native Tribes. It was at this time that the Colonial Office was much under the influence of missionaries, and Shepstone, as a missionary's son, had the ear of a succession of Permanent Secretaries with whom his views always carried great weight. His policy was to collect together the Native peoples, settle them on delimited reserves, and, as far as possible, place at the head of each tribe in each reserve the chief who held that position by Native law.

Natal Natives were at this time in a state of great confusion. Many had been turned into fugitives as a result of Chaka's wars and the coming of the Voortrekkers, but Shepstone set to work to gain their confidence; and, such was the force of his sympathetic personality, he actually succeeded in herding them without bloodshed or disturbance whatsoever into the appointed reserves with the help of only a very small force of policemen.

Another feature of Shepstone's system was to attach a particular mission to each reserve, and the missionaries received considerable grants of glebe lands which were under their own control. The result is that the creed which a Natal Native professes when he is converted to Christianity depends mainly on geography. As a general rule, if his home is in the Amanzimtoti reserve, then he

will be a Congregationalist, as the American missionaries who were in Natal some time before its annexation, were established with glebe lands near this reserve. If, on the other hand, he lives in the Polela reserve, he will be a Methodist, and if in the reserve near Mariannahill, he will be a Roman Catholic. Shepstone at first wished to provide a liberal education for the reserve Natives, and proposed that something like mechanics institutes should be established in each under a European superintendent to give instruction in useful trades. The British Government, however, refused to sanction the necessary expenditure, and Shepstone had to fall back on the control of the reserves by Native chiefs under his own general supervision. In these reserves the Bantu lived under their own customary law. Controversy on this subject convulsed the infant Pietermaritzburg. The Recorder, Dr. Henry Cloete, thought there could only be one system of law in each country and that the proper policy was to bring the Natives under European law. Shepstone asserted, quite rightly, that European law was entirely unsuited to the Bantu population; they would not be able to understand or practise its system of private property and it would break up the strong family discipline of the Natives on which their whole society depended. Feeling ran so high in Pietermaritzburg that for a time it was impossible to invite Mrs. Shepstone and Mrs. Cloete to the same tea party.<sup>1</sup> But ultimately Shepstone, with the backing of the Colonial Office in London, had his way. Natives were established in their reserves and left to manage their affairs under their own law, except where it conflicted with the obvious dictates of humanity. There were, of course, other Natives in Natal settled as labour-tenants on European farms under a system not very unlike that of the serfs in the mediaeval manors; therefore, these Natives, already in European employment of a sort, were not available for the sugar plantations.<sup>2</sup>

It will be apparent that Shepstone's policy was a variant of the system which subsequently became so famous—that of indirect rule as applied in Nigeria and Tanganyika—and that the Natal system came into operation some fifty years in advance of those in the territories to the north. It was, in fact, Shepstone, and not Lord Lugard or Sir Donald Cameron, who first set up a policy of governing Natives through their own chiefs in accordance with their own laws and customs. But the Shepstone system, unfortunately, lacked an important factor present in the later methods of indirect rule. It did not provide for the establishment of Native treasuries through which the return to each chief of part of the taxes collected in his area could be made. In Nigeria and Tanganyika these Native treasuries are very important; they provide funds with which each tribal area can be improved, and their administra-

<sup>1</sup> Brookes, E. H., *The History of Native Policy in South Africa*, 1927, p. 49.

<sup>2</sup> No account will be taken of this group in the subsequent chapters of this book which deal solely with labour supply on the plantations.

tion trains the chief and his people in the ideas of modern civilisation. They are used to provide roads, schools, and hospitals, and to start co-operative societies.<sup>1</sup> The variation is important. On the whole, especially towards the end of his life, Shepstone aimed mainly at maintaining Native society in its traditional form and was opposed to any modification of it; and no chief in Natal or Zululand has ever been entrusted with funds by the government for improving his reserve. Therefore, while Shepstone's system was genuinely indirect rule, it was indirect rule with the object of maintaining the *status quo*, while indirect rule in the northern areas, through the provision of funds and the guidance of the European district officer, aims at starting the Native peoples on a path which will ultimately lead them to the employment of some, at all events, of the European methods of organisation and development.

It will be understood that Shepstone regarded with the greatest disfavour any attempt to compel the Natives to work for Europeans,<sup>2</sup> since he feared that such a system would inevitably lead to forced labour, as indeed came very near happening in Kenya many years later.<sup>3</sup>

In these circumstances, it will be clear that the plight of the European planters was a serious one. They had the land, the capital, and hungry markets waiting for the sugar and the cotton, but no progress could be made until a sufficient supply of labour was available. The Native labour was unreliable and unsuitable and Shepstone steadily blocked any proposals for compulsion on the Bantu population. It is impossible not to feel that the white planters were faced with a really serious problem and it is not surprising that they explored every possible means of securing an adequate supply of labour.

There was much discussion of the problem both in the 'fifties, which ultimately resulted in the introduction of Indian labour, and again in the early 'seventies when it seemed probable that the Indian and British governments would refuse to allow the resumption of indentured Indian immigration into Natal.<sup>4</sup>

There were various attempts to recruit Native labour from beyond the Natal border, mostly in the then unannexed Zululand areas

<sup>1</sup> The fees of one non-European student of the University of Natal were paid by one of the Native treasuries in Northern Rhodesia.

<sup>2</sup> It should be noted that the Shepstone policy had an unfortunate effect on wages, since those Natal Natives who did come out to work for wages left their families behind in the reserves where they were able to maintain themselves. Also, since the Native workers were provided with food and quarters by their employers, their cash wage was naturally very low. It was, in fact, only a pocket-money wage and was usually, at that period, about 10s. per month. This established a very low rate of wages for agricultural labour in Natal, and later on throughout the Union of South Africa, and is one of the evil results of the Shepstone policy.

<sup>3</sup> Leys, Norman, *Colour Bar in East Africa*, 1942.

<sup>4</sup> cf. Chapter III, pp. 30-4.

and in Tongaland. A public meeting was held in Durban in 1858 to discuss 'some means for supplying the daily increasing demand for labourers which the extended agricultural operations of the county [Durban] requires'<sup>1</sup> This meeting asked for the recruitment of Amatonga (natives of Portuguese East Africa). Shepstone in reply decidedly snubbed the meeting and called their attention to the fact that contracts of service made beyond the colony were not valid within it.<sup>2</sup> Another attempt to recruit Amatonga was made in 1863, but it failed also, owing to the unwillingness of the tribesmen to engage for long periods.<sup>3</sup> Attempts were also made to induce refugees from the frequent wars in Zululand to enter the service of the white farmers, but without substantial success.

These discussions took place at recurring intervals when the planters' need of labour was acute. In 1857 the Colony of Natal required 30,000 'Kaffirs' but only 6,000 or 7,000 were available,<sup>4</sup> and it slowly but steadily became apparent that the only practical source of labour for the sugar plantations was a supply of Indian indentured immigrants. Under the continued pressure of the planters, the Government of Natal was ultimately compelled to open negotiations, and the governments of Britain and India were reluctantly compelled to consent to the plan.

The first suggestion of such a possibility is found in a letter signed 'J.R.S.' (apparently J. R. Saunders of Tongaat) which appears in the *Natal Mercury* of 25 April 1855. It gives a history of coolie migration into Mauritius and insists that unless the proposals are very carefully drawn up with a knowledge of the Home Government's views on coolie and Chinese labour, they are almost certain to be rejected. Therefore, it suggests that any Natal scheme should take note of the following three points:

- (i) The contract must be for three years only;
- (ii) there must be no serious risk of its not being renewed;
- (iii) since labourers can get the equivalent of 20s. per month in Mauritius this should also be paid in Natal.

In a leader on the subject<sup>5</sup> the *Natal Mercury* refers approvingly to the letter in view of the correspondent's experience in Mauritius and concludes: 'Our correspondent thinks that the present law may be trusted to secure all that is required, and consequently that no fresh regulations are required, and no further delay need occur

<sup>1</sup> The public meeting was held on Saturday, 30 January 1858, and reported in the *Natal Mercury* on 4 February 1858.

<sup>2</sup> Shepstone's reply in *Natal Mercury*, 18 February 1858.

<sup>3</sup> Government Notice No. 130 of 1863.

<sup>4</sup> *Natal Mercury*, 30 April 1857.

<sup>5</sup> *Natal Mercury*, 2 May 1855.

beyond those preliminary arrangements which it will devolve in our Government to make with the East India Company. Then let all parties interested meet together and concert, at once, practical measures for securing the great desideratum of our industry—an adequate supply of reliable and effective labour.'<sup>1</sup> Another correspondent signing himself 'An Interested Observer' feels . . . . . 'We can get the labour better and easier as individuals than through Government which is sure to burthen us with all sorts of restrictions and laws. But we must have them [the coolies] if ever we expect to do any good with any kind of tropical produce. All are now fully sensible of this fact, therefore the sooner it is set about the better.' About this time Sir George Grey, the newly appointed Governor at the Cape, visited Natal which, in 1855, was still a District of the Cape Colony. The first draft of the address to him had no reference to the need of imported labour, and a leader in the *Natal Mercury*<sup>2</sup> deplores this omission. 'Lack of labour will in the near future imperil the whole country. In Mauritius on 60,000 acres 100,000 tons of sugar are produced, but with 60,000 labourers. In Natal there are not more than 30,000 capable male labourers for all purposes, and of these 10,000 are employed at any one time. Unless some steps are taken, and import of labour seems the only one, the sugar industry in Natal cannot but fail.' The address, when finally adopted at a public meeting of the inhabitants of D'Urban, with the Mayor, Mr. Cato, in the chair, contained this passage: 'Independently of measures for developing the labour of our own Natives, we believe your Excellency will find occasion to sanction the introduction of a limited number of Coolies or other labourers from the East in aid of the new enterprises on the Coastlands to the success of which sufficient and reliable labour are absolutely essential; for the fact cannot be too strongly borne in mind that on the success or failure of these rising enterprises depends the advancement of the colony or its certain and rapid decline. Experimental cultivation has abundantly demonstrated that the issue depends solely on the constant supply of labour.'<sup>3</sup> Sir George Grey was impressed by the case put before him by the Natal planters and, as a result, began a correspondence with the East India Company, but apparently the mutiny and subsequent dissolution of the Company prevented any action being taken.

When Natal became an independent colony in 1856, with a partially elective Legislative Council, the matter was taken up again and thenceforth, Natal conducted its own negotiations with the Indian and Home governments. A questionnaire asking planters to indicate probable numbers of coolies required and wages of-

<sup>1</sup> *Natal Mercury*, 16 May 1855.

<sup>2</sup> *Natal Mercury*, 6 June 1855.

<sup>3</sup> *Natal Mercury*, 25 July 1855.

ferred was issued in 1856,<sup>1</sup> and in 1857 a number of planters signed a document setting forth their willingness to employ Indian immigrants for three or five years at a wage not exceeding 10s. per month, together with rations, lodging, etc., and to pay £7 sterling per head for the cost of their introduction into Natal. In the same year, the Lieutenant-Governor's speech on opening Council foreshadowed legislation giving validity to contracts made 'without the limits of the Colony'.<sup>2</sup> There was some opposition in Natal to the idea of Indian immigration and the matter was referred to a select committee of the Legislative Council, which reported strongly in its favour. Thereupon, a bill providing for Indian immigration was passed in 1857, but was disallowed by the Secretary of State for the Colonies, who, writing in November 1857, criticised it severely on the ground that the periods for which contracts were contemplated (five years if made in Europe and seven years if made before a magistrate in any British possession) were much too long.<sup>3</sup> Furthermore, there was no restriction on the places from which the immigrants might be introduced and no restraint on possible abuses, save that a stipendiary magistrate, when the contract was to be confirmed before him, might amend any contract manifestly unjust and inequitable. The Secretary of State for the Colonies enclosed an ordinance of Mauritius and suggested that the Legislative Council of Natal might base another Act on it to replace that disallowed. The leading principles of this ordinance were that all immigrant vessels were to be licenced for a single voyage only and the licence was to specify the port of embarkation and the conditions under which the transport of immigrants was to take place, the master to give a bond for the due performance of these conditions. On arrival at the colony of immigration a government officer was to take charge of the immigrants, and was to be at liberty to cancel their engagements if they appeared inequitable, and especially unless they secured to the immigrants the current wages of the colony. The terms of contract should not be more than three years. A report on the organization of immigration and periodical reports on the treatment of the immigrants should be furnished by the Lieutenant-Governor to the Secretary of State for the Colonies.<sup>4</sup>

This despatch and the enclosed Mauritian ordinance were the foundation of the final Natal Coolie Law, Law 14 of 1859. It followed the lines prescribed. The colony was to be responsible for the transport of the coolies, and employers were to pay three-fifths of the passage money of each coolie and such proportion of females as, according to regulations, should be required to accompany them. The Lieutenant-Governor was to appoint an Immigrant

<sup>1</sup> Government Notice No. 5, 1856, issued by Colonial Office, Natal, 4 Jan. 1856.

<sup>2</sup> *Natal Mercury*, 26 March 1857.

<sup>3</sup> Despatch No. 76, 14 November 1857.

<sup>4</sup> Op. cit. Despatch No. 76, 1857.

Agent, who was to keep a register of immigrants, to assign them to employers for a period not exceeding three years, husband and wife, parent and child always to be allotted together, and in their other relationships, the wishes of the immigrants to be respected as far as possible.

The coolie was to re-indenture for two years (possibly under another master), but after these five years of service he was free. The employer was to provide medical care and attention and to retain the services of a medical practitioner to this end. If the coolies were ill-treated, the contract could be terminated by the Lieutenant-Governor and the coolies re-assigned. After ten years residence, the coolies could claim a return voyage to India or, alternatively, at the direction of the Lieutenant-Governor, a grant of Crown land of equal value. Estates were to be inspected twice yearly by a resident magistrate or other persons duly authorized by the Governor.

This Act was approved by the Home Government, and Natal had thus prepared for the coming of the Indians. But meanwhile difficulties had arisen with the Government of India. The letters sent to the Cape in answer to Sir George Grey's inquiries were forwarded to the new Lieutenant-Governor. Apparently Natal had asked for immigrants from Bombay. The Indian Government reported that there was abundant demand for labour near Bombay at rates higher than those offered in Natal. As for emigration from Madras and Calcutta, 'the superior advantages held out to emigrants by the Mauritius and West Indian colonies; the difficulties experienced in meeting the wants of those colonies and the adequate demand for labour which exists in the Bengal and Madras Presidencies would combine to prevent any emigration taking place to Natal on the terms specified'. The letter continues: 'Under these circumstances I am directed to state that the Governor-General-in-Council is of opinion that no useful purpose could be gained by authorising the emigration of labourers from any of the ports in India to the Province of Natal', and the writer concludes by suggesting that voluntary emigrants might be procured from Moçambique or Madagascar.<sup>1</sup> In the meantime, however, Lieutenant-Governor Scott had forwarded to the Home Government a copy of the report of the select committee of the Legislative Council asking for coolie labour. The matter was of so great importance that although the enclosed letter to some extent only repeats statements already made, it is desirable to quote considerably from it to show that the views of the colonists with regard to the shortage of labour in Natal were definitely and with a full sense of responsibility endorsed by the Government. 'The parties engaged in the production of sugar and the cultivation of other tropical products object however to Zulu] labour as being uncertain and dependent on circumstances

<sup>1</sup> Legislative Council Papers No. 5, 1857, Letter from Cecil Beadon, Secretary to the Government of India, to the Colonial Secretary, Cape of Good Hope, undated, but written towards the end of 1856.

over which no control can be exercised, and state that they are consequently deterred from cultivating extensively from the fear that labour might at a critical moment fail them. These parties also state if this objection to the extensive cultivation of sugar-cane were removed, they were confident other capitalists would soon settle in Natal and that the production of sugar and other tropical products would rapidly and largely increase.' The Governor expressed his doubt about the sentiments of the report and wondered whether Native labour might not be trained to the work. However, he was alive to the importance of not checking the sugar estates and therefore advised that the Indian Government be moved to grant their sanction to a limited number of Indians being introduced. He indicated that the planters were prepared to pay coolie labourers 10s. per month plus rations, and also to meet the cost of their passage to Natal. 'They are also ready to enter into any bond either this Government or the Indian Government may require for the due fulfilment of all conditions.' He was aware that the Indian Government was not very desirous of seeing an emigration of coolies from India to Natal but 'seeing that the planters here regard this privilege as of importance' advocated compliance as an experiment. 'The transport might be arranged through a mercantile firm subject to such conditions as the Indian Government might lay down for the due protection of the interests of the coolies. Should this be permitted, this Government would of course guarantee the proper treatment of the coolies and the due discharge on the part of the planters, of the conditions of agreement during the time of their servitude in this Colony.'<sup>1</sup>

This letter was first referred to the Land and Emigration Commission, who pointed out that: 'Until the necessary ordinance shall have been passed and approved, the emigration will not be allowed by the Indian Government to commence.'<sup>2</sup> The India Office thereupon wrote to the East India Company in the following terms: 'The Emigration Commissioners in London think that one of our objections is obviated in some measure by the higher rate of wages now offered. But they think that before any decision is come to, provision must be made for various matters of detail including the importation of women and the possible contingency that the cost of emigration might exceed £7 per head, the sum which the applicants for coolies undertake to pay.' The Government of India thereupon concluded: 'After a careful consideration of the subject we have come to the conclusion that if the Colony agrees to the rules which we have considered sufficient in regard to other colonies it would be unjust to it, and to the Indian labourers, to refuse to allow such labourers to go to the Colony if they can be prevailed upon by legitimate offers to do so. Whether, however, the

<sup>1</sup> Letter from Lieut.-Governor Scott to Secretary of State for Colonies, Labouchere, Natal, 6 April 1857, found in L.C. No. 9 of 1858.

<sup>2</sup> Emigration Commissioners to H. Merrivale, Esq., dated 14 June 1858.

inducement offered is sufficient is a matter for the consideration of the parties concerned.'<sup>1</sup>

It will be apparent that the Indian Government only reluctantly consented to sanction the immigration of Indian labourers to Natal, and that the whole responsibility rests most definitely on Natal itself. This is further proved by the next development.

When matters had reached this stage, the Natal Government felt it necessary to take further action and it dispatched its Postmaster General, Mr. W. M. Collins, first to Mauritius and then to India to make the necessary arrangements. He found the Indian Government had done nothing in the matter and, notwithstanding the correspondence from England, 'no Act on the subject has yet been passed by the Council of India.'<sup>2</sup> Mr. Collins made a special journey to Calcutta to procure the passing of the Act, and owing to his urgency, the standing orders of the Council were suspended in order that it might pass its third reading at an early date.<sup>3</sup> He appointed an Emigration Agent at Madras and arranged for the chartering of the first ship which reached Natal on 17 November 1860.

The Colony of Natal responded to the conditions laid down by the Government of India and the Land and Emigration Commission rather inadequately by appointing an Immigration Agent at a salary of £200 a year. The terms of his appointment were that he was to make arrangements for the reception and assignment to employers of the coolies. This by no means fully carried out the intentions of the Indian and British governments that there should be protectors of Indian immigrants in Natal charged with the supervision of their welfare.

A series of very sound and responsible communications were received from Mr. Franklin, the Protector of Indian Emigrants at Madras, who evidently took his duties very seriously. He criticised the Natal arrangements on the following grounds: First, that the wages were too low; that a free passage should be given after the first five years, not ten; the deduction from wages for food and lodging were most undesirable—cash wages without any deduction should be clearly stated; Natal offered no clothes while Mauritius gave each coolie one suit of clothes a year.<sup>4</sup> With the first ship, the *Truro*, Mr. Franklin sent a further letter to the Colonial Secretary emphasising the point that wages should be 10s., 11s. and 12s. a month (without any deductions) for the first, second and third years of the contract respectively; that these wages should apply only to field labourers, but not to house servants who should re-

<sup>1</sup> Letter from Government of India (Home Dept.) to East India Company. No. 44, 31 March 1858.

<sup>2</sup> C.S.O. 901/1860.

<sup>3</sup> C.S.O. 1020/1860; and C.S.O. 1086/1860.

<sup>4</sup> C.S.O. 1082/1860.



ceive a minimum of 16s. a month; that arrangements should be made for the coolies to remit funds home.<sup>1</sup> Another despatch from him to Pycroft, Secretary of the Government at Fort St. George, Madras, also discussed the quota of women for Natal and suggested that for the first, second and subsequent years it should be 35 per cent, 43 per cent and 50 per cent respectively. The Madras Government expressed its approval of these suggestions, but they were not fully carried out.<sup>2</sup>

The first indentured Indian labourers arrived towards the end of 1860 and they continued to come at irregular intervals until 1866. Then the world depression hit Natal in common with the greater part of the rest of the world and for the time being the planters ceased to need labour, and indeed tried to get rid of the coolies who had already been assigned to them.<sup>3</sup>

The first Immigration Agent, named Edmund Tatham, apparently did his work fairly well, though there is no evidence that he spoke any Indian language, and it cannot have been easy for him to understand the needs of the immigrants. He definitely did visit

<sup>1</sup> Madras, 11 October 1860, C.S.O. 1152/1860.

<sup>2</sup> C.S.O. 1225/1860; and 1259/1860.

<sup>3</sup> It has been several times stated (See, for example, *Kondapi Indians Overseas*, p. 21) that it was the Indian Government that was responsible for stopping Indian immigration into Natal in 1866. This, however, was not the case. The immigration simply ceased as stated in the text above because of the world depression. In a special report of Lt.-Governor Keate's in the Blue Book for 1867 (Letter Book 227, paras. 57 and 58, page 321 ff: in Natal Archives) he says: 'Before the second instalment of the loan [authorised 1864] was negotiated the planters on the coast who are the principal employers of coolie labour began to feel the effects of the commercial stagnation and depression the general effects of which have been described in the early parts of this Report . . . and among other more disastrous results a cessation of the demand for coolies occurred. Since the month of July 1866 none have been received.' Further proof of the fact that it was the depression, and not the fiat of the Indian Government, which led to the cessation of coolie migration to Natal in 1866, can be found in a letter from the Government of India to the Secretary of State for the Colonies, dated Calcutta 10 May 1872. This letter will be found in the Appendix to the report of the Coolie Commission of 1870, p. 63. The following is an extract:

'During the period of immigration to Natal, there sailed from India 5,448 souls and till the recent investigation instituted on complaints preferred by some of these labourers on their return we have had no communication from the Government of Natal touching the condition of Her Majesty's Indian subjects in that Colony. We regret to have to say that the correspondence now furnished lead us to fear that (to use the words of Section 57 Act. VII, 1871) "proper measures have not in the Colony of Natal been taken for the protection of emigrants during their residence therein." We should therefore, had not emigration to Natal ceased since 1866, have thought it our duty to consider the propriety of publishing a notification under the section above cited prohibiting for the present emigration to that colony. Under the present circumstances, however such a notification might bear the appearance of an empty threat. But we cannot permit emigration thither to be resumed until we are confident that the colonial authorities are aware of their duty towards Indian emigrants and that effective measures have been taken to ensure that class of Her Majesty's subjects full protection in Natal.'

the estates and occasionally issued reports; one of his reports, that for 1863, is commented on very favourably by Clinton Murdoch of the Land and Emigration Commission in London.<sup>1</sup> Tatham resigned, however, in 1864 notwithstanding a protest against the acceptance of his resignation by the Durban Chamber of Commerce. He was succeeded by H. C. Shepstone who apparently did little or nothing, and complained bitterly of being regarded by the Indians as responsible for their welfare.

There were other developments during this early period of 1860-5. Law 17 of 1864 definitely raised the first term of assignment to five years.<sup>2</sup> The Methodists began their mission to the newly arrived Indian immigrants in 1862.<sup>3</sup> The Indians became sufficiently at home to celebrate their customary festivals. Public opinion quite enthusiastically applauded all these developments.

Early in 1865 a leading article in the *Natal Mercury* states: 'Coolie immigration after several years' experience of it is deemed more essential to our prosperity than ever. It is the vitalizing principle. It may be tested by its results. Had it not been for coolie labour, we should certainly not have had it to say that our sugar export increased from £26,000 in 1863 to £100,000 in 1864 and has prospects of a greater increase before it. Had it not been for coolie labour we should not hear of coffee plantations springing up on all hands and of the prosperity of older ones being sustained through the agency of East Indian men . . . We do not think that the white labouring population . . . need be alarmed about the fancied effects of East Indian competition. The coolie is a capital field labourer in cases where it would never pay to employ white labour, and he is a useful accessory in mechanical industry, but that is all. His presence will rather be a benefit to European mechanics and workmen, inasmuch as the enlarged production and increased prosperity he will create must give wider scope for the employment of our own skilled countrymen.'<sup>4</sup>

A leader in the same paper a few days later advocated a policy of peasant proprietorship among the Indian indentured labourers: 'We see no reason why a coolie should not be encouraged in his natural wish to make money more rapidly by working for himself. In creating wealth, he must benefit the community in a greater degree. Hence we think the Government might lay out small plots of land, among those to be allotted to Kaffirs, for sale to free coolies of course at the upset price . . . We can conceive that private planters and land owners might find it remunerative to encourage small coolie growers to cultivate for themselves by of-

<sup>1</sup> Legislative Council Papers, No. 18 of 1864, p. 5.

<sup>2</sup> Proclamation, 11 May 1865.

<sup>3</sup> This work was begun by the Rev. Ralph Stott who was sent from Ceylon to Natal by the Methodist British Conference in 1862.

<sup>4</sup> 19 January 1865.

fering patches of leased or bought land and to crush their canes . . . at their landlord's mill.<sup>1</sup>

Another way by which the coolies might get land, as in fact some of them did, was by relinquishing their right to a passage back to India at the end of ten years and receiving instead small plots of Crown land. This was done, for example, at Umzinto where there is still a remarkably flourishing Indian community. It will be appreciated that at this time the only anxiety was to keep as many Indians as possible in Natal in order to add to the labour force and resources of the colony as a whole.

The *Natal Mercury* was also convinced that on the whole, the coolies in Natal were well treated. It reported on 12 January 1865: 'So far, the coolie in Natal has nothing to complain of and we ardently trust that he will never be able to upbraid his colonial masters.'

Another side-light of the enthusiasm for Indian labour is given in the Durban Mayor's Minute for 1866 which states triumphantly: 'Only six kaffirs remain in the employ of the Corporation, the bulk of them having been discharged with the view to economy. And the Town Gang, consists, with this exception, entirely of coolies who are found to work satisfactorily under the superintendence of the foreman and under-foreman of Town Works.'<sup>2</sup>

But there was another side to this official and journalistic optimism. South Africa had then, as it has now, a profound contempt for anyone with a coloured skin and the use of the whip in maintaining labour discipline was traditional. Several instances of flogging of coolies occurred though it was against the regulations under which the coolies had been allowed to come to South Africa. The Coolie Agent, of course, ought to have checked these developments; but his slackness, and to do him justice, the absence of any precise definition of his responsibilities to the coolies, prevented him from doing so.

H. C. Shepstone, Coolie Immigration Agent, admitted to the commission of enquiry set up in 1872<sup>3</sup> that he hardly ever visited the estates save for the purpose of assigning coolie labour. He was regarded, and regarded himself, as an agent for supplying the planters with labour, not as a protector of the immigrants as had been intended by the Government of India. He was very much embarrassed when the coolies insisted on regarding him as their protector and told the commission that he had never been appointed under Section 22 of Law 14 of 1859, which required a magistrate or any person specially appointed by the government to visit and inspect estates. 'It was, therefore, not my duty. I have visited most of the estates employing a large number of coolies . . . and general-

<sup>1</sup> Leader in *Natal Mercury* of 21 January 1865.

<sup>2</sup> *Natal Mercury* of 23 August 1866.

<sup>3</sup> See page 25 for further details of this commission.

ly asked them on these occasions if they had anything to complain of . . . I would wish to draw the attention of the Commission to the anomalous and unpleasant position of the Coolie Agent when visiting estates. The coolies regard him as their protector and think that any complaints made to him must be righted at once, whereas the Coolie Agent has no power whatever and can only recommend them to go to the magistrate which they are averse to do, as they have no confidence in the interpreters.'<sup>1</sup>

There were, however, a considerable number of complaints of ill-treatment, improper stoppage of pay, and unsatisfactory rations.<sup>2</sup> The Lieutenant-Governor had to publish a notice precisely defining the latter.<sup>3</sup> Some planters refused to supply rations for the women and children as they did not work.<sup>4</sup> The government was forced to take steps to rectify this situation. Apparently these gentlemen expected Indian husbands to support their families on their weekly wages of 2s. 6d. In the *Natal Mercury* of 14 July 1866, there appears a letter from a Calcutta coolie complaining that the agreement arrived at in India was not carried out. It may be noticed that these agreements with the coolies for service in Natal were not written contracts. The situation was explained to them by recruiting sirdars who, since they were paid by capitation fees, frequently misled them in order to secure more recruits. The conditions of employment in Natal were further explained by the Protector of Indian Emigrants at the port of embarkation, but, as Mr. Thompson in his thesis on Indian Immigration into Natal emphatically states: 'It was a grave omission that the Indian Government did not insist that a comprehensive, written, legal contract should be entered into between the colonial agent and each immigrant, for definition is a valuable protection for the weak against the strong.'<sup>5</sup>

Returning to the letter from the Calcutta coolie, he complained that the rations agreed on were not supplied. Fish was often not supplied, the reason being that there was none available. If asked for money in lieu (of the obligatory fish), master replies, 'Tut, tut!' Some planters, instead of issuing the full ration of rice, gave the labourers half rice and half mealie meal, to which the writer objected on the grounds that there should be no change in the rations,

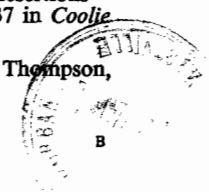
<sup>1</sup> Evidence of H. C. Shepstone, *Coolie Commission Report*, 1872, p. 36.

<sup>2</sup> *Coolie Commission Report*, 1872, p. 55; *Natal Mercury*, 28 August 1866 and 18 October 1866 all quote cases of ill-treatment.

<sup>3</sup> Government Notice 34 of 1866; and Government Notice 116 of 1866.

<sup>4</sup> Mr. H. C. Shepstone's reports on his visit to several estates deal with illegal flogging, fines, and rations refused to women and children, and desertions—1 March 1865; 4 May 1865; 17 November 1865 (cf. Appendix p. 37 in *Coolie Commission Report*, 1872).

<sup>5</sup> 'Indian Immigration into Natal 1860-1872' a thesis by L. M. Thompson, 1938, p. 50.



unless the coolie agreed to it.<sup>1</sup> Then again, if a coolie was sick a shilling a day was stopped from his wages of 10s. a month. Therefore, a month's illness meant the loss of three month's wages. The writer complained of irregular payment and demanded that wages should in future be paid fortnightly according to the original agreement. 'No one', he declared, 'protects the coolie', and concluded by predicting that petitions would very soon be forwarded from Natal coolies to the Indian and British governments. The newspaper quoting and commenting upon this letter would not give up its easy attitude of optimism, and asserted, on no particular evidence, that 'as a whole the coolies in Natal are better treated and easier worked than in any other part of the world, their own country included'. In conclusion it referred rather scoffingly to the peculiar language of the letter.<sup>2</sup>

But the statements of the Calcutta coolie were completely justified by the complaints of the first group of coolies who returned to India in the *Red Riding Hood* in February 1871, having completed their five years of indentured labour and five years of free labour.

At this time, the depression which began in 1866 was lifting; the demand for sugar was increasing and the planters were again asking for further supplies of Indian labour. The Chamber of Commerce in Durban had actually sent a memorial to the government on the subject. This demand, in view of the complaints of the coolie's treatment naturally led to sharp criticism both from the Home Government and the Government of India. Sir Clinton Murdoch of the Land and Emigration Board wrote on 7 March 1872: 'The first question, however, is whether, without further information on the subject, the renewal of emigration from India to Natal should be sanctioned. In the letter of 24th ult. I pointed out that the report, etc. showed that the system of supervision over Coolie immigrants in Natal had been very lax.'<sup>3</sup> The Government of India expressed its dissatisfaction very clearly in a letter to the Secretary of State for Colonies in 1872:<sup>4</sup> 'But we cannot avoid expressing the hope that the investigation on which it is based will be more thorough than that instituted in the present case, [on the *Red Riding Hood* complaints] and that the Government of Natal will show itself more sensible of its responsibility to Indian immigrants than, judging from the papers now before us, it has hitherto done. We should, therefore, had not emigration to Natal ceased since 1866, have thought it our

<sup>1</sup> This change was, as a matter of fact, authorised by the government, and doctors agree that mealie meal is more nourishing if the coolies know how to cook it properly. As it was the coolies were unaccustomed to mealie meal and found it difficult to turn into a palatable foodstuff.

<sup>2</sup> *Natal Mercury*, 14 July 1866.

<sup>3</sup> *Coolie Commission Report* of 1872, p. 62.

<sup>4</sup> Government of India, Calcutta, 10 May 1872 to Lord Kimberley, Secretary of State for the Colonies, (India) in appendix to *Coolie Commission Report* p. 63.

duty to consider the propriety of publishing a notification...prohibiting the present emigration to that colony....We cannot permit emigration there to be resumed until we are confident that the colonial authorities are awake to their duty towards Indian emigrants and that effective measures have been taken to ensure to that class of H.M. subjects full protection in Natal.' Under these circumstances the Natal Government bestirred itself. It appointed a special commission to enquire into the whole matter of the treatment of the coolie immigrants.

There happened to be at that time in Natal an Indian civil servant, Colonel Bannister Price-Lloyd, who spoke some Indian languages and was, therefore, in a position to communicate more easily with the Indian immigrants than had hitherto been the case. He and Mr. Michael Gallway, the Attorney-General of Natal, were appointed as a special commission to report on the treatment of the coolies in Natal. Thus the *Coolie Commission Report* of 1872.<sup>1</sup>

The report asserted that there was no general systematic bad treatment though there certainly were isolated instances of deliberate ill-usage. There was, however, great laxity. On many estates there was no medical care. The interpreters were so bad that the magistrates were mistrusted. There were not a few cases of illegal flogging and withholding of wages. This report led to a new law,<sup>2</sup> which among other things provided for the appointment of a Protector of Indian Immigrants with much wider powers than those held by Coolie Agents. This was followed by a curious repetition of the occurrences of 1859-60.

Again a special agent, Captain Macleod, was sent to negotiate with the Government of India. The Home Government was asked to influence the Indian authorities so that immigration could be re-started. Indeed, so great was the urgency that immigration to Natal actually began before final and formal approval had been granted. It started in 1874, and continued steadily until 1911, under a system mainly devised by that unusual man, Colonel Price-Lloyd.<sup>3</sup>

One other abuse of the 1860-70 period should, however, be noted. It had been agreed that although the Government of Natal undertook the arrangements for the immigration of coolies, the expenses should be met by the planters, and they entered into bonds with the Natal Government for the payment of £9 per head for the transport of the coolies from India.

The inauguration of the system and the negotiations with the Indian Government, particularly the despatch of Mr. Collins to India, involved expenditure which, of course, was met from the funds of the colony. If a coolie died the employer would pay no

<sup>1</sup> Sessional Papers Vol. I, in Natal Archives, Pietermaritzburg; Thompson, L. M. 'Indian Immigration into Natal, 1860-1872' p. 124 note 36.

<sup>2</sup> Law 12 of 1872.

<sup>3</sup> The details of his requirements will be discussed in the following chapter.

further instalments on the cost of his transport from India. But the cost had to be met and was inevitably met by the government. Very frequently the agents in India (who were paid a *per capita* sum) sent out coolies who were quite unfit for work, being either too old or in poor health. Numbers of these were returned to India and the Natal Government had to pay for their transport both from and to India: in addition, the cost of the return passage for every coolie immigrant who asked for it ten years after his arrival in Natal, also fell on the government.<sup>1</sup>

Finally, in 1863-4 the principle was adopted that the government should defray one-third of the entire cost of coolie immigration. But the depression of 1866 resulted in widespread financial embarrassment in Natal as in the rest of the world. Some of the planters went bankrupt; others simply refused to meet their commitments; and in the end a considerable amount, even of those charges which the planters had undertaken to pay, was left to be defrayed by the government. So that, although in theory the planters bore the cost of the coolie immigration, in practice even in those early days, very considerable charges in connection with it had to be defrayed by the Natal Government.

By the new arrangements introduced when coolie immigration was resumed, the Natal Government agreed to provide a subsidy of £10,000 per annum towards coolie immigration. This subsidy continued until 1897 so that in order to secure an adequate supply of Indian labour the Natal Government actually paid out nearly £250,000 over that period of time. Only the smallest fraction of the population in Natal seems to have realized at this point that this steady and continuous immigration, not only of Indian males but also of a proportion of women and children, was certain to lead to the establishment of a permanent Indian community in Natal. So greedy for cheap labour were the planters, that they and the government and the Press were all blind to the inevitable results of the immigration policy. This should be contrasted with the attitude in Australia. In that country, when Indian immigration was contemplated, a special commission presided over by the Bishop of New South Wales was appointed, and it reported very strongly against the proposal on the grounds that it would inevitably lead to the establishment of an alien community. The proposal was not for indentured labour supported by the Australian Government, but merely for the importation of Hindus by private individuals. But representations were so strong that the whole project was dropped, and while Australia had for a time a Chinese problem, it never had any Indian problem. As a matter of fact, that fortunate country in the end met its labour shortage by the

<sup>1</sup> There is a strong tradition among the Indian community that those returned to India were mostly priests and teachers sent out under the proposals of the Land and Emigration Commission which were based on Gibbon Wakefield's thesis. See Chap. I pp. 6-8. Natal, however, wanted field-workers and nothing else.

immigration of white settlers under the Wakefield policy of immigration assisted by the proceeds of land sales.

The Natal authorities, on the other hand, failed completely to realize that the conditions under which the Indians came to this country would inevitably result in the establishment of a permanent Indian population. From the beginning there seems to have been a good deal of misunderstanding of the objects and natural results of Indian coolie immigration. What the planters wanted and what the people of Natal apparently understood was to be provided was a cheap, continuous, and reliable supply of docile labour to supplement the temporary lack of kaffir labour. Scott, in his despatches to the government at home, emphasized the view that the steady and industrious labour of the Indian would be an example to the Native and would encourage him to follow his example. This has perhaps proved to be so in the long run. There is no great difficulty today in getting reasonable and adequate supplies of Native labour, but certainly the result was not obtained immediately. L. M. Thompson, in his thesis,<sup>1</sup> criticizes Lieutenant-Governor Scott very severely for his acceptance of the Indian immigration plan and for his failure to foresee the inevitable consequence that Natal would become the permanent home of an Indian population. 'Indian immigration, [in Scott's opinion]... was to be a temporary expedient. The Natives were to flock from their comfortable locations to the coast, to watch the patient newcomer at his work and become imbued with an overwhelming desire to do likewise. That the successful industry of the Indian was to increase the demand for Indians was surely obvious. Scott's narrow vision must be condemned, because he failed to anticipate inevitable results, in hypothetical contingencies.'

The Indian Government, on the other hand, envisaged the movement as a permanent migration which would relieve the population pressure in India. It, therefore, laid down, acting largely under the influence of the Colonial Land and Emigration Commission, that the emigrants were not to be forced to return to India. They could, if they wished, claim a return passage to India at the end of ten years—five years of indentured coolie labour and five years of free labour—if they chose not to re-indenture. It also insisted that if Indians wished to remain in the colony as free workers, there should be no differential laws. They should come under the ordinary laws applying to the rest of the population. Last of all, and this was very definitely one of Wakefield's cardinal principles, a certain proportion of women were to accompany every batch of Indian immigrants into Natal. The Natal Government was forced to agree to these proposals, so urgent was the demand for labour on the sugar, coffee and arrowroot plantations.

This led to the problem of the number of women who were to

<sup>1</sup> L. M. Thompson, 'Indian Immigration into Natal 1860-1872' pp. 33-4.

accompany the Indian male immigrants to Natal. The planters wanted as few women as possible as they would be of little use for field work; but the Indian Government, again backed by the Colonial Land and Emigration Commission, insisted that a certain proportion of women should accompany every hundred men. The precise number of women was not specified in the agreement, but in August 1860 the Protector's proposal was accepted that in the first year 35 per cent, in the second 43 per cent, and in the third and subsequent years 50 per cent females should be despatched with each batch of male coolies. Collins, however, who was anxious to keep down expenses, got the proportion reduced to 25 per cent (i.e. 25 women per 100 men), and that was the legal minimum throughout the first immigration.

In 1866, Lord Carnarvon, Secretary of State for the Colonies, raised the proportion for all colonies receiving Indian coolie immigrants. As a matter of fact, the legal minimum was not adhered to. The first five ships sent through Collins's negotiations brought 359 women with 1,029 men, approximately 35 per cent women, and during the whole of the immigration between 1860 and 1866 a similar proportion was maintained, though Tatham, the Coolie Agent, protested that the women were a great burden. It was often difficult to make up the requisite proportion of women, and ships were sometimes kept waiting for a day or two until the necessary proportion of women had been recruited. It can be imagined that under these circumstances the women were not always of the most respectable type. The Indian Government admitted that the statutory proportion of women was hardly ever made up without enlisting large numbers of prostitutes or women of the lowest class, in whom habits of honesty and decency were non-existent. No evidence was required of legal marriage between a man and the woman who accompanied him. Indeed, the Coolie Agent in assigning labourers simply linked together any two convenient individuals and sent them for indenture as husband and wife. They had, however, to give their formal consent.

The effects of this system in the first generation of Indian immigration were naturally deplorable. No provision had been made for the recognition of Indian marriages whether contracted in India or in the colony. Since the Indian form of marriage was not accorded legal recognition in Natal, men and women could form short-term unions and separate as soon as a quarrel occurred. It was sometimes difficult to get the men to accept liability for their children and, in view of the small number of women among so many men, quarrels leading even to murder were not uncommon. At times it was impossible to get planters to accept the women and children, and Tatham was sometimes unable to clear the barracks of the surplus women and children, surplus that is to the planter's requirements, not surplus to the social requirements of the nascent Indian community.

It would, at first sight, seem curious that the situation was not alleviated by marriages between Indians and Zulu women, but there have been very few such unions and Indian-Zulu half-castes, though some do exist, are rare in Natal. The reason for this lies in the great religious, cultural and sociological differences that separate the two races.

Unions with Europeans were even more unthinkable at that time, so that the Indian men were thrown back upon their own women and there were three men (speaking generally) to every woman. It is asserted that in these circumstances polyandry was sometimes practised but it is difficult to get precise information about this. It is quite certain that there were many quarrels and many seductions, and that the cases of suicide which became relatively frequent among the Natal Indians can partly be traced to this cause.

This was, however, an evil which corrected itself with time, since there was no inequality among the sexes of the children born of the early immigrants, and after 30 or 40 years the worst elements in this situation were ameliorated. What does seem to be amazing is that this large batch of immigrants could be introduced into the country without any provision having been made for the recognition by the Natal Government of the legality of their marriages. In the end, of course, steps were taken to rectify this situation but not until the practical difficulties made these steps inevitable.

It would be hard to say that Natal should have refrained from encouraging Indian immigration. Had it done so, it is quite certain that Natal would be now a much less prosperous and wealthy locality than in fact it is. But it could be said that the authorities should have been more alive to the potentialities of the situation and have taken some steps to educate the immigrants in order that they could fit in with the general lines of Natal life. As it was, no attention was paid to any point other than that of procuring as soon as possible a supply of cheap and docile labour. On the other hand it is perhaps unreasonable to expect government officials and employers in the mid-nineteenth century to have had sufficient training in ethnology to have avoided the danger of the situation.

CHAPTER III  
REFORMS AND SUBSEQUENT  
EVENTS, 1874-1893

WITH the improvement in trade that came with the 1870's, shortage of labour again became a difficulty that grew more acute from year to year. A leading article in the *Natal Mercury*<sup>1</sup> pointed out that most of the coolies already in the country had worked out their period of indenture. 'There are comparatively few assigned coolies now under engagement, and that element of permanence which made the labour of these people so advantageous no longer prevails. From the coolies who are now in the colony we can but expect a diminished supply. Many will probably return to India; many are already taking to independent work of their own as cultivators of the soil, as tradesmen, as mechanics and as men "living on their wits".' The article went on to indicate that as practical measures for increasing the supply three courses were open: (1) the introduction of more coolies by the government, (2) a safe conduct for Natives coming overland, and (3) the immigration of Natives seaward from Delagoa Bay. 'The first step would, we consider, be the easiest and most effectual, though it is a costlier process than the other. What, however, is lost in expense is gained in permanence and reliability.'

But before the colony turned finally to the renewed immigration of Indians various other expedients were attempted. A bill was passed by the Legislative Council to facilitate the obtaining of Native labour, to which clauses were attached providing that magistrates' offices should be used as labour registries and recruiting agencies. The Lieutenant-Governor, Keate, reserved the bill and in a correspondence with the Secretary of State for Colonies, Lord Granville, explained that these provisions would amount practically to forced labour since individual Natives would not come forward looking for employment, and it would be necessary to invoke the aid of the chiefs. The magistrate sending this notification of labour needs to the chiefs would naturally express the hope that the need would be met. 'It would take a very little to convert this notification into an order, for the relations of the Natives are such as to render it very difficult for the former to distinguish between the binding qualities of a magistrate's wish and a magistrate's order . . . The arrangements would develop

<sup>1</sup> 21 June 1870.

into an engine for imposing forced labour.'<sup>1</sup> In his answer Granville entirely agreed with this opinion and went on to suggest that forced labour for public works should also be abolished. 'It is, I think, generally admitted that of all labour, forced labour is the most costly and least efficient. It is irritating to the labourer, it interferes with private contract and it is liable to abuse. You state that you have been petitioned to exercise the right for the benefit of private employers, and though, of course, no Lieutenant-Governor of Natal would consent to such an abuse, it is better that the power to do so should be removed.'<sup>2</sup>

The same bill contained arrangements for recruiting among the Amatonga and Amaswazi,<sup>3</sup> and Granville enquired why a European population of 16,000 surrounded by 200,000 Natives should find it necessary to go to adjacent countries populated by similar races to obtain additional Native labour. Keate's answer is so illuminating, not merely for Natal, but for all those regions further north where the same problem developed later (and which later became acute in Kenya), that it is worth quoting at some length. 'The Natives of Natal inhabiting the locations on which they have settled are in fact landholders, though under a peculiar tenure . . . but not to such an extent as to prevent their supplying from among them to the colonists a very large body of labourers for wages. Of these labourers, however, comparatively few are as yet absolutely dependent on wages for their livelihood, for they have more or less share and interest in the location lands. The majority of these are apt in consequence to offer their labour on terms and conditions more suitable to themselves than to the colonists who employ them. The latter want to secure long terms of service at small wages; the former prefer short terms of service terminable almost at their own discretion, with wages on a more liberal scale though still remarkably low as compared with the rates of wages in most other countries.' Labourers drawn from a distance necessarily come for longer periods and are more dependent on their employers; the effect of procuring outside labour 'may be said to render labour more continuous and reliable and, at the same time, as far as possible, to cheapen it'. Keate continued: 'The location lands in the Colony are here and they are already becoming overcrowded. Pressure to work for wages from this and other causes is falling ever more and more upon the Natives in the Colony. They are

<sup>1</sup> L.C. No. 35/1870/1, pp. 2-4.

<sup>2</sup> Ibid, p. 6. After the Colony of Natal received responsible government this policy was reversed and the assignment of Native convicts to private persons as labourers was introduced. For this reason South Africa refused to join the Forced Labour Convention of the League of Nations, and later established farm prisons where assigned convicts are kept.

<sup>3</sup> The Amatonga inhabited Tongaland. The Amaswazi lived in the territory known today as Swaziland. The Durban Chamber of Commerce asked for Amaswazi and Amatonga labour until such time as further supplies of coolie labour were obtained. L.C. No. 20 of 1869.

learning habits of industry and their small wants are to some extent increasing'; he suggested that employers would do better by a well regulated system of gratuities 'to encourage greater continuity of labour among the Natives rather than spend considerable sums on the recruiting of labour at a distance'.<sup>1</sup> It would have saved Natal from embarrassments had his policy been adopted.

The Natal planters, however, never seriously considered the advice of the Lieutenant-Governor and continued to press for the recruitment of labour from beyond their borders. Three Government Notices of 1874 deal with this question.<sup>2</sup> Attempts were made to get Creoles from Reunion, but the British Consul there stated with some emphasis that wages of 10s. a month were too low and suggested that they ought to be doubled.<sup>3</sup>

Further enquiries were made with regard to Chinese labour, and a letter published in the *Natal Mercury*<sup>4</sup> seems to reflect a very common state of opinion among the planters. The writer complains that cotton planting is held back by lack of labour and enquires 'what would 50,000 Chinamen look like in Natal? . . . Want of reliable labour has sent many a disgusted settler from Natal; it is our great weakness. Farmers cannot afford to pay high wages. Cheap and reliable labour is what we must have.' But the Colonial Secretary for Hong Kong strongly discouraged the idea, in reply to a letter of enquiry from the Colonial Secretary for Natal. 'A Chinaman', he said, 'does not in the proper sense of the word emigrate, but simply goes to a foreign country with a view to making money and returning home.' Referring to the current wages in Natal, 10s. to 15s. a month with rations, he continued, 'Now the fortune-seeking Chinamen would want more than this to enable him to carry out his hope of returning to China and he would expect to earn it without too much laborious physical work and without denying himself reasonable indulgence in what he considers the luxuries of life.'<sup>5</sup>

In 1874 a law was passed giving the power of assigning Native convicts to private employers.<sup>6</sup> The employer was bound to provide the said convict and his wife or wives with food, and to have his services and the services of his family (save his wife) at reasonable times. The wages were to be paid to the magistrate. This law was subsequently disallowed on the grounds that the power of assigning convicts as private servants would open the door to many objectionable practices,<sup>7</sup> as in fact it has done.

<sup>1</sup> L.C. No. 35 1870/71, pp. 6 and 7.

<sup>2</sup> Nos. 29, 45 and 55, 1874.

<sup>3</sup> Government Notice 59 of 1874.

<sup>4</sup> 4 January 1870.

<sup>5</sup> Government Notice 2 July 1874.

<sup>6</sup> Government Notice 117 of 1874 referring to Law 18 of 1874.

<sup>7</sup> Government Notice No. 181 of 1875.

Attempts were made to induce Natives from the then unannexed Zulu tribes to enter into service in Natal. That strange and romantic person, John Dunn,<sup>1</sup> was formally appointed Protector in Zululand of Migratory Labourers, and recruiting agents were to be licenced by the Secretary for Native Affairs, Theophilus Shepstone,<sup>2</sup> Arrangements were made for immigrants from St. Helena,<sup>3</sup> and two successive Government Notices with regard to freed slaves arriving from Zanzibar are an indication of the acute labour shortage. The earlier notice<sup>4</sup> states that at first the government will require the entire number to be employed on public works. But a later notice,<sup>5</sup> in view of the pressing demand, cuts down the number to be allotted to public works to one-half. Proposals which apparently came to nothing were made with a view to obtaining Portuguese labour from Madeira. There is also, in 1874, a curious correspondence which seems to translate one into another world, with Joseph Arch, the Secretary of the National Agricultural Labourers' Union in Great Britain. The latter enquired whether there was any possibility of assisted immigration of English agricultural labourers to Natal; but nothing came of this either.

None of these various attempts could be relied on to produce that regular supply of cheap, docile and dependable labour which the colonists demanded, and the desire for the resumption of coolie migration became stronger and stronger. The Durban Chamber of Commerce had already presented a memorandum on the subject in 1869,<sup>6</sup> and in 1872 an extensively signed petition in the following terms was forwarded to the Lieutenant-Governor . . . 'Humbly sheweth . . . that your memorialists are more profoundly impressed than ever with the necessity of an increased supply of labour: it is absolutely essential for carrying on the Industries of the coast lands and for giving to capitalists arriving among us that security which is required in entering on enterprises involving so large an outlay which can only be successfully prosecuted by a more abundant and regular supply of labour . . . and believe that the reintroduction of Indian labourers is necessary to the satisfactory solution of the difficulty'. Messrs. J. R. Saunders,

<sup>1</sup> Government Notice No. 63 of 1874. John Dunn was an Englishman who became one of the Indunas of Cetewayo and spent the great part of his life as a Zulu chief. He is commonly reported to have had 100 wives and 300 children, and a special school for his half-caste descendants is now maintained in Zululand. He was more than once employed by the Natal Government as an ambassador to the Zulu tribes. For further information see *The Dunn Reserve*, Natal Regional Survey, Additional Report No. 4, 1953, University of Natal Press.

<sup>2</sup> Theophilus Shepstone was appointed Secretary for Native Affairs in Natal in 1853.

<sup>3</sup> Government Notice No. 249 of 1873.

<sup>4</sup> Government Notice No. 142 of 1873.

<sup>5</sup> Government Notice No. 177 of 1873.

<sup>6</sup> L.C. No. 20 of 1869.

A. B. Kennedy, and W. Grant are named 'as a deputation to confer with your Excellency'. The signatures extend over eight pages and include those of J. Goodliffe, Mayor of Durban; Robert Acutt; Harvey Greenacre & Co.; P. Davis and Sons; Wm. Palmer; and other members of families then and now prominent in the life of Natal.<sup>1</sup>

Correspondence now began between the Natal Government and the Colonial Office, urging that communications should be sent to India asking for a renewal of coolie immigration to Natal. The Indian authorities indicated that they would not be unwilling provided that the reforms advocated by the 1872 report were carried out. A letter from India given in Government Notice No. 130 of 1873<sup>2</sup> says: 'This report sets in a clear light the general condition of Indian labourers in that colony and we shall not object to permit emigration thither to proceed as soon as we shall be duly certified that the local law has been so amended as to secure the labourer from arbitrary deductions from his pay, to exempt him from punishment of flogging for mere breaches of contract or misconduct as a servant, and to ensure him proper medical attendance, and that efficient provision has been made for the performance of the duties of Protector of Immigrants and especially for the inspection of the Estates at not too long intervals. These reforms are in fact admitted by Lieutenant-Governor Musgrave to be necessary.'

A law<sup>3</sup> embodying the recommendations of the 1872 commission was passed in the same year to amend the Coolie Consolidation Law of 1869. It provided for the appointment of a Protector, the abolition of flogging for breaches of the Masters and Servants Act, and the improvement of medical treatment. Lord Kimberley, Secretary of State for the Colonies, indicated that it was satisfactory as a provisional measure. 'In the meantime I am to submit for the consideration of the Secretary of State for India whether immigration from India to Natal may not be resumed, Law No. 12 of 1872 being regarded as a provisional measure passed with the bona fide intention of remedying the defects discovered in the existing law.' He objected, however, to deductions from wages on account of medical attendance, and to the payment of wages only every two months.<sup>4</sup> Colonel Lloyd was appointed Protector of Indian Immigrants under this Act on 25 November 1872,<sup>5</sup> and immediately began to build up a suitable administrative system which will be described later.

Meanwhile, the question of the financial arrangement for the

<sup>1</sup> Document of 1872 now in the Archives of Natal, Pietermaritzburg.

<sup>2</sup> Letter from Indian Government to H.M. Secretary of State for India, 1873, Seventh Council, L.C. 2, p. 6. Natal Sessional Papers, 1st Session.

<sup>3</sup> Law No. 12 of 1872.

<sup>4</sup> Despatch quoted in Government Notice No. 98 of 1873, from Lord Kimberley to the Under-Secretary of State, India Office, 1873.

<sup>5</sup> Government Notice No. 273 of 1872.

further introduction of coolies was being considered. A despatch from the Colonial Office<sup>1</sup> severely criticized the slackness of previous arrangements, pointing out that the bulk of the return passages were still to be paid, that no further receipts were coming in, and that the proportion of the total cost of Indian immigration borne by the general taxation of the colony would be then raised to one-half. It was laid down that one-third was the maximum proportion to be met out of general taxation, the remainder to be met either by the planter's indenture fees or by export duties on the produce of Indian labour. In Jamaica, it was noted, the whole expense was met from the last named source. Finally, the despatch given in Government Notice No. 130 of 1873 permitted the resumption of migration on certain conditions among which were included the proper management of finance. Accordingly on 22 January 1874, a law was passed providing for the establishment of an Indian Immigration Trust Board, and it was finally constituted by Letters Patent under Law No. 208 of 1874 issued by the Lieutenant-Governor-in-Council.<sup>2</sup> It was to be a corporate body with perpetual succession and a common seal, and the right to sue and be sued. It included among its members the Colonial Treasurer and the Protector of Indian Immigrants.

Steps were taken to raise a loan of £50,000<sup>3</sup> to start the Indian Immigration Trust Board on its activities; the Colonial Government was to contribute a sum of £10,000 annually and employers were to contribute annual instalments equivalent to two-thirds of the cost of Indian emigration to Natal.<sup>4</sup>

The Natal Government, however, had not waited for the conclusion of the discussions with the Home Government before starting negotiations in India. The Colonial Office on 18 December 1873, agreed that Mr. Firth, the Emigration Agent from British Guiana, should be asked to send 1,200 coolies to Natal, and should be allowed £300 as remuneration.<sup>5</sup> On 12 January 1874, the Protector of Indian Immigrants invited further applications for the introduction of coolies from India,<sup>6</sup> and was shortly in a position to forward to Mr. Firth further demands for over 4,000. The Natal authorities did not rely on Mr. Firth alone, but following the precedent set by the visit to India of Mr. Collins fourteen years earlier, dispatched to India a Captain McLeod to hasten on the arrangements. He reported that no immigrants could be drawn from Bombay, but

<sup>1</sup> Government Notice No. 97 of 1873.

<sup>2</sup> Government Notice No. 28 of 1874.

<sup>3</sup> Government Notice No. 260 of 1875.

<sup>4</sup> Government Notice No. 218 of 1874 notifies an increase of the employers' quota of £4 per annum in order to raise it to two-thirds of the cost which was more than had been anticipated.

<sup>5</sup> Government Notice No. 349 of 1874.

<sup>6</sup> Government Notice No. 9 of 1874.



wrote from Calcutta on 13 March 1874 that there was not 'the smallest difficulty in obtaining any number [of coolies] that Natal might require at any time'.<sup>1</sup> The difficulty lay in the chartering of necessary ships and there were discussions as to return freights and the chartering of ships in England to take a certain number every year for three years. Captain McLeod's letter also contained some interesting remarks on the employment of women. 'Mr. Firth informs me that in other colonies the women are included in the number indented for, and are considered labourers and paid as such.'<sup>2</sup> In a later letter<sup>3</sup> it was explained that women worked in British Guiana and in Demerara women did weeding and other light work better than the men. Captain McLeod was successful in smoothing away these various difficulties and in July 1874<sup>4</sup> the immigration of Indians began again, and not merely to the limit of 1,200 provisionally sanctioned by the Home Government. Lord Carnarvon<sup>5</sup> felt himself obliged to administer a mild rebuke to Natal: 'It appears, however, from letters from Mr. Firth, the Emigration Agent in India, to the Emigration Commissioners in England, that early in the year he had received from the Colonial Government [of Natal] requisitions for 4,050 males, making, with the required portion of females, 5,670 adults [40 per cent] . . . Requisitions for additional immigrants ought not to have been sent to India before it was known in the Colony whether its provisions [of Law 20 of 1874] were approved of by H.M. Government'. Law No. 20 of 1874, however, which dealt with Immigration Finance, was confirmed and the Government of Natal was left free to continue the immigration.

There was a little discussion about Law No. 19 of 1874 intended to meet an objection made by Lord Carnarvon.<sup>6</sup> The law had provided for a bonus to any Indian immigrant entitled to a free return passage, on his deferring that right and re-indenturing for a further five years.<sup>7</sup> 'H.M. Government and the Government of India are agreed in objecting to longer than annual engagements after the first five years, as interfering unduly with the independence of the Immigrant. Such engagements are not allowed in Jamaica and Trinidad.'<sup>8</sup> He insisted that the section must be repealed.

During all these negotiations and discussions between Britain and India, Colonel Lloyd had been busily at work, establishing the

<sup>1</sup> Government Notice No. 140 of 1874.

<sup>2</sup> Ibid.

<sup>3</sup> Given in L.C. 53 of 1874.

<sup>4</sup> The first ship, the *Blenheim*, arrived on 7 July 1874. *Report of Indian Immigration Board for 1884*, p. 52.

<sup>5</sup> L.C. 7 of 1874.

<sup>6</sup> Ibid.

<sup>7</sup> He had the right to take the value of the passage in land.

<sup>8</sup> L.C. No. 7 of 1874.

administrative machine by which the colony should be supplied with labour and by which that labour should be kept contented and healthy. As already stated, he was appointed Protector of Indian Immigrants under the provisions of Law No. 12 of 1872 on 25 November 1872. He was appointed a J.P. of the Colony of Natal in August 1873 and the Protector of Immigrants was added to the Executive Council in the same year.<sup>1</sup> He provided himself with clerks, interpreters, and assistants, and his advice and constructive ability were largely responsible for the creation of a new system of securing and controlling the Indian immigrants—as the newcomers were called with increasing frequency.<sup>2</sup>

Employers of Indian immigrants (both indentured and free) were required to keep a wage book in a prescribed form.<sup>3</sup> The Protector invited further requisitions for immigrants.<sup>4</sup> He published draft regulations for the introduction of coolies at employers' expense, asking for suggestions and amendments.<sup>5</sup> He issued an elaborate memorandum<sup>6</sup> on the reception, management and distribution of Indian immigrants shortly before the arrival of the *Blenheim*, the vessel bringing the first party of indentured labourers to Natal. The Protector or his assistant was to go aboard and make the prescribed examination and necessary reports to the government. On the day after landing, the immigrants were to be examined by the medical officer at a cost of 1s. per adult, and those found sick or diseased would be dealt with by his orders. Women would then be registered under the provisions of Law No. 12 of 1872, which intending employers were advised to study. 'The immigrants will then be sorted out into parties of relatives who wish to be assigned together, parents and children, and brothers and sisters (i.e. by the same father and mother) will not in any case be separated. No more distant relationship would be recognized as forming a right to any special assignment.'<sup>7</sup> Assignment to the different planters was to be by lot through slips drawn from a hat, and the final distribution was made to requisitionists on the signing of a bond and

<sup>1</sup> Select Committee Report of 1881 as quoted in (C.6487) of 1891, p. 13.

<sup>2</sup> Not even in the twentieth century is it possible to induce the somewhat conservative inhabitants of Natal to relinquish the use of the derogatory term 'coolie' but it was at all events less frequently used in official publications from the 1870 decade on. But even in 1952 protests were made by the Natal Indian Congress against a text book used in a Natal school which spoke of the cloud over the future of Natal due to the presence of large numbers of coolies, while a Nationalist conference adopted a resolution demanding that *Kaffirs*, *Coolies* and *Kleurlinge* (half-castes) should be excluded from South African universities. The Director of Education in Natal agreed that the text book in question should be modified.

<sup>3</sup> Alteration of Government Notices of 1873, p. 268.

<sup>4</sup> Government Notice No. 108 of 1873.

<sup>5</sup> Government Notice No. 71 of 1874.

<sup>6</sup> Government Notice No. 153 of 1874.

<sup>7</sup> Ibid.

any payment which was due. The public was not to be admitted, and the requisitionists and their agents only on the final day of allotment.

Colonel Price-Lloyd was also apparently responsible for two quite new departures, one of which was successful; the other was shortly given up, though it was greatly needed and, had it been established, would certainly have prevented some of the worst of the abuses which occurred later. The latter was the institution of Protector's courts. The Protector had certain judicial powers under Law No. 12 of 1872. In the county of Durban and the Inanda Division (the districts where most Indians were employed) the Protector was to have jurisdiction in all cases under the Masters and Servants Act.<sup>1</sup> He had jurisdiction in civil cases between Indian immigrants including breaches of promise of marriage, and he could also investigate and enquire into cases of seduction and adultery or abduction and enticement of unmarried girls. In such cases he might impose flogging as punishment. In March 1873 the first Protector's courts were held. Three Government Notices of 1873<sup>2</sup> announced the dates of forthcoming Protector's courts at various places in the sugar belt, such as Avoca, Umgeni, Verulam, and Isipingo. But a later notice<sup>3</sup> of the same year reversed this policy and stated that: 'Resident Magistrates of the County of Durban and the Division of Inanda have been authorized and directed . . . to hear all complaints of Indian immigrants against their masters or masters against such immigrants.' No later notices of Protector's courts appear. Yet by paragraph 11 of Law No. 19 of 1874 the Protector had further powers;<sup>4</sup> he was empowered to obtain from resident magistrates a 'copy of record, proceedings, evidence, and judgment in a case in which an Indian Immigrant is concerned and a Resident Magistrate has adjudicated', and the Protector might submit the sentence to the Lieutenant-Governor for revision. By paragraphs 16 and 17, he was also to have concurrent jurisdiction with other courts in cases of assault on Indian immigrants. In the despatch from Carnarvon already quoted,<sup>5</sup> information was sought as to what was meant by paragraph 11, and a careful report was requested on the manner in which the Protector of Immigrants exercised the powers conferred on him by paragraph 17. But apparently the matter was dropped. The Protector still exercised some jurisdiction over cases between Indians, but charges of assault brought against white masters and overseers continued to be heard by resident magistrates (who were commonly the friends and pos-

<sup>1</sup> Government Notice No. 84 of 1873.

<sup>2</sup> Government Notices Nos. 57, 120 and 219 of 1873.

<sup>3</sup> Government Notice No. 271 of 1873.

<sup>4</sup> L.C. No. 50 of 1874.

<sup>5</sup> L.C. No. 7 of 1874. See p. 36 footnote 5.

sibly even the relatives or political proteges of the planters) with, in some instances, very unfortunate results.<sup>1</sup>

The other set of reforms introduced by Colonel Lloyd took root and undoubtedly added to the well-being of both the immigrants and the colony. This was the definite provision of medical care for the immigrants. It will be remembered that the 1872 commission specially recommended the organization of some form of prevention and cure of sickness,<sup>2</sup> and that the despatches of the Colonial Office made this one of the conditions for the re-introduction of Indian immigrants.<sup>3</sup> Lloyd submitted a memorandum on the subject in June 1873, suggesting that the best method of meeting the difficulty would be by a form of insurance paid by employers, to be used to form a fund administered by the Indian Immigration Trust Board from which medical services and medicine could be provided. The districts in which Indians were employed should, it was proposed, be divided into circles to each of which a medical officer should be appointed, charged with the duty of regularly visiting the estates and prescribing for sick coolies.<sup>4</sup> Lloyd, who on certain points curiously anticipated the system later worked out in England by a greater Welshman, Lloyd George, strongly urged that the whole population should be included, that 'colonial kaffir labourers and all immigrant labourers whether by land or sea ought to be entitled to claim medical attendance, medicine, etc., from their employers and that a contribution on their account from employers would be but fair and equitable.'<sup>5</sup>

Lord Carnarvon, Secretary of State for the Colonies, was interested in this idea, and asked for a special report on 'the best means of organizing an adequate district medical service for the entire colony'.<sup>6</sup> But in the end the new organization was confined to Indians alone. It developed in two stages. The first was the institution of medical circles and the appointment of Indian Medical Officers (shortly known as I.M.O.'s.) The system was financed by a levy of 1s. 3d. a month payable by employers for each Indian (indentured or free) employed by them. The first circles were set up by a Government Notice of 1876 establishing four, to each of which a part-time I.M.O. was attached with a salary of £200 or £300 a year. Later notices established the Umzinto and the Durban medical circles. The names of the estates comprised in each circle are given in the notices,<sup>7</sup> and as the immigration of indentured

<sup>1</sup> See p. 44.

<sup>2</sup> See 1872 Commission p. 4 and p. 6.

<sup>3</sup> Kimberley's dispatch of 20 October 1872, given in Government Notice No. 98 of 1873.

<sup>4</sup> These officers were to be Europeans.

<sup>5</sup> C.S.O. 2215, 1875.

<sup>6</sup> Despatch No. 73 quoted in L.C. No. 50 of 1874.

<sup>7</sup> Government Notices Nos. 72, 117 and 125 of 1876.

Indians grew and developed, the system was extended to other areas. Another notice of 1876 laid down careful regulations as to the duties of the I.M.O.<sup>1</sup> Estates employing 30 or more Indians were to be visited at least once a week and estates employing 5 to 30 Indians once a fortnight. Visit books and case books were to be kept by the I.M.O.'s, severe cases were to be visited as frequently as needed, and the I.M.O. if summoned by the person in charge of the estate was to attend with as little delay as possible. The I.M.O.'s had to send monthly statistics and reports to the Protector of Immigrants and from this time on these medical reports are the source of much information on the condition of the Indian immigrant population.

The second stage was the establishment of hospitals. In a memorandum of 1875,<sup>2</sup> Lloyd wrote, 'It is my duty to draw special attention to the very inadequate accommodation afforded by the Durban hospital to the increasing number of patients resorting to it of all classes, but especially it is my duty to bring to notice that there is no proper place for Indians and Natives of the Colony. They are now kept in a miserable dilapidated building which is scarcely weather-proof.' He went on to propose the establishment of estate hospitals where more than twenty indentured Indian labourers were employed, but also recommended that estates within a radius of six miles might combine to form hospitals. The proposals for these were remarkably detailed.<sup>3</sup>

A hospital, he said, should provide beds for three per cent of the population it is destined to serve, and for each patient there should be a minimum of 60 square feet and 500 cub. feet. The I.M.O. should reside nearby and visit it at least once a day. The buildings should include nurses' rooms and dispensaries and the staff should include an I.M.O., an Indian assistant and interpreter, and a male and female attendant, besides cooks, woodcutters, etc. The Protector of Indian Immigrants should make monthly visits, passing through the wards and receiving complaints. The Protector's report of 1876 suggested that planters might have welcomed this scheme as a means of preventing malingering. 'At present there is no reliable data [as to sickness]; some employers allowing as many as ten per cent of their men to report themselves sick, only making inquiry when this number is exceeded. In fact it is often taken for granted, a man wants to work in his garden or to go on a day's visit to some friend when he reports himself sick! As soon as the [hospital] system is in full operation all who are really sick will have to remain in hospital until discharged by the doctor.'<sup>4</sup> In the end, a number

<sup>1</sup> Government Notice No. 194 of 1876.

<sup>2</sup> C.S.O. 2215, 1875, para. 26.

<sup>3</sup> Had Lloyd while in India come in any way under the influence of Florence Nightingale? From her invalid room in London she sent lengthy and influential memos on the health of the Army in India.

<sup>4</sup> Protector's Report 1876. L.C. 23, 1877.

of special Indian hospitals were established in the areas where the Indian population was concentrated.

Thus through the efforts of Colonel Bannister Price-Lloyd a definite system was established for the administration of the affairs of indentured Indian immigrants,<sup>1</sup> a system which continued unchanged for many years. Under it, the Indians continued to enter Natal in considerable numbers as indentured immigrants. At the same time the number of free Indians steadily increased as the indentures were worked out. Many of them did not accept a return passage, as they found themselves better off in Natal than they would be in India, and many of those who accepted registration returned to Natal. 'That Indians who return to their native country from Natal retain a strong liking for this Colony and its opportunities is very evident. Large numbers of men, and their families, sent back by this Department to India, shortly afterwards re-appear in Natal with the intention of finally settling here. This is more particularly the case with Indians from Calcutta.' The Protector of Immigrants in the same report instanced the case of thirty souls landed from sailing ship at Durban who had been sent off to Calcutta in the *Quathlamba* five months before. 'I had them interrogated, and the main reason of their return was given as the great heat of India and their preference for this Colony where they had more friends and ties than in the land they had left. This voluntary re-emigration to Natal speaks well for the Colony, and is a very important matter as adding in some degree to the able-bodied labouring population.'<sup>2</sup>

A certain number of Indians accepted the offer of the government to provide them with Crown land if they would remain in Natal and the present flourishing town of Umzinto is largely peopled by Indians who got Crown land in this way. These applications were so numerous that when the offer was repeated in 1890-1, there was still a long waiting list of Indians who never received these long-promised grants of Crown lands. Others bought or rented land and began to supply the needs of Durban for vegetables and fruit. In 1899 for instance, the Protector of Immigrants reported that a number of ex-indentured Indians were purchasing land in the vicinity of Durban for agricultural purposes, paying from £25 to £60 an acre.<sup>3</sup> They were also at this time being employed on the railways. In 1890, for instance, a total of 1,286 Indians were maintained by the railways and, on the whole, the railway authorities appear to have been favourably inclined to the employment of Indians.<sup>4</sup>

<sup>1</sup> At this time, in the 1870's, practically the only Indians in the colony were indentured Indians. The immigration of free Indians came later. (See pp. 42-3.)

<sup>2</sup> Protector of Indian Immigrants Report, 1887, in the Supplement to the Blue Book of the Colony of Natal, 1887, p. A.7.

<sup>3</sup> Colony of Natal, Blue Book, Departmental Reports, 1899, p. A.16.

<sup>4</sup> Sessional Papers, Legislative Council, No. 3 of 1888, p. 13.

They were also employed on the coal mines. This unfortunately gave rise to several tragedies as they were not accustomed to the cold of the Natal uplands. In several instances they slept in an iron hut with a coal fire burning inside and were found dead in the morning as a result of carbon monoxide poisoning.

Up-country farmers too began to employ Indians who were docile and intelligent and when trained made very good house servants. It is obvious therefore, that they came to play a more and more important part in the life of the colony.

Most of the free Indians became cultivators of the land. The magisterial report for Umlazi for 1892-3,<sup>1</sup> stated that 'the Indians especially have grown large quantities of all kinds of vegetables, Indian corn, Kaffir corn, and appear to have sold their crops at remunerative prices'. Others turned to fishing and for a long time there was a considerable colony of fishermen on Salisbury Island<sup>2</sup> in Durban Bay.

The magisterial reports for the years 1890-1, 1891-2 and 1892-3 illustrate the prosperity and enterprise of the Indians themselves.<sup>3</sup> More and more land in Natal was being cultivated by Indian agriculturists. The maize crop was principally grown by free Indians who displayed much industry and agricultural skill. Rice had been planted very freely and successfully by Indians along the flat banks of sluggish streams, and their industry was rewarded by good crops at satisfactory prices. Vegetables were plentifully grown by free coolies, who found a ready market and good prices, both in the villages of the division and at Durban, but the article offered for sale was often inferior.

'It appears to me', said the Medical Officer of Umzinto in 1891, 'that year by year the condition of the Coolies is improving, that is in their domestic comforts, as they gain experience in this country from those who have been here before them. For instance, they build a better class of house, and clothe themselves in a more suitable manner; they seem to understand the changes of climate better, and make preparations accordingly for the wet and cold seasons.'<sup>4</sup>

The increased prosperity of the Indian community soon had another result. Free immigrants began to appear, mainly for the purpose of engaging in trade.<sup>5</sup> They came first from Mauritius, and to this day the Mauritians are a definite element among the Indian

<sup>1</sup> p. B.87 (Umlazi).

<sup>2</sup> Today this island has been taken over by the Naval Authorities, the fishermen having been moved to the nearby mainland.

<sup>3</sup> See Supplements to the Blue Book of Natal, Departmental Reports, 1890-1, 1891-2, 1892-3.

<sup>4</sup> Report of Protector of Immigrants, 1891-2, p. A.32 quoting M. O. Umzinto.

<sup>5</sup> To distinguish these from other classes of free Indians, those who had served their period of indenture, these are commonly called 'passenger Indians'.

population, claiming to be more educated and more Europeanized.<sup>1</sup>

But very soon traders came also from India itself. In Natal many of these immigrant Indian traders are called Arabs, apparently because they are Mohammedans; they are not Arabs from Arabia. But Hindu traders came too; many were Gujerati, a community of which Mahatma Gandhi was a member. They spread throughout Natal and soon were found even in up-country towns. They mostly did well, indeed too well to please their European competitors. Thus one magistrate reported: 'There is a considerable number of Arab traders in this Division, and there is a general complaint by European store-keepers that the Arabs are able to undersell them, seeing that they (the Arabs) are able to live cheaper than Europeans.'<sup>2</sup> And another said: 'There are, including Arabs chiefly, 37 males and 13 females, in all 50 Indians in this district; these are resident in Pomeroy, and are either shop-keepers or hawkers, carrying on trade with the Natives around, selling many ploughs, hoes or picks, blankets, beads, inferior classes of clothing, and fancy articles for wear. Nearly all the £5,865 2s. 7d. Money Orders here obtained for year ended 30th June, 1892, was paid in by these Arab shop-keepers.'<sup>3</sup>

It is, therefore, generally agreed that during the period covered by this chapter, the Indian community flourished and increased. They began to feel at home and introduced their own characteristic festivals. In 1891 the magistrate for Inanda wrote: 'The Mohurrum Festival in 1890 passed off without a single disturbance worth mentioning, and the same may be said of the festival this year, with the exception of some serious fights which occurred at or near Mount Edgecombe, between Indians of the Mount Edgecombe and the Cornubia Estates. The behaviour of the large multitude who came with their pagodas to Verulam, both in 1890 and in 1891, is deserving of special praise. The great mass of the people enjoy the recreation of this annual festival in an orderly and rational manner, and any attempt to repress it altogether would be a mistake and a great injustice. The danger lies in the rivalry of different estates or large parties following different pagodas and because of a few riotously inclined men. A few leading regulations, strictly enforced, is all that is required.'<sup>4</sup>

<sup>1</sup> I was witness to an incident illustrating this in a railway carriage containing a number of European women returning from market in Durban. An Indian boy aged perhaps 11 or 12 entered. A fat untidy woman immediately remarked, 'Here you dirty little coolie, you can't come in here. This carriage is for Europeans.' And with the greatest dignity and poise, the child retorted: 'Madam, you are mistaken, I am not a coolie. I come from Mauritius and am just as good as a European.' Unfortunately just then the train stopped at my station and cut me off from the end of the incident.

<sup>2</sup> Magisterial Reports, 1885, Klip River Division, p. B.54.

<sup>3</sup> Magisterial Reports, 1891-2, Umsinga Division, p. B.2.

<sup>4</sup> Magisterial Reports, 1890-1, Inanda, pp. 38-9.

In the same year the Protector of Indian Immigrants reported: 'As on previous occasions the Indians presenting themselves at my office to obtain personally their certificates of discharge were well and nicely dressed and much improved in physique and general appearance, the result of five years' residence in this Colony, with its delightful climate, which to the Indians is undoubtedly a delightful paradise. The women and children look particularly well (which by the way is no uncommon thing in Natal), dressed as Indian women usually dress in their tight fitting silk or velvet jackets, white muslin or silk skirts and adorned with jewellery. The children, many of whom were colonial-born, fine, healthy, intelligent creatures, some in European dress, others in the Indian, fashion, evidently enjoying the day's outing.'<sup>1</sup>

In 1893 the Governor in his opening speech to the Legislative Council said: '4,065 Indians were introduced as immigrants during the year 1892, and 491, of whom 92 were children, were returned to India, as time-expired and invalid immigrants. The demand for indentured Indian labour from all parts of the Colony still continues.'<sup>2</sup> But difficulties were beginning to emerge. On the whole, both the Indians and the European colonists were content with the situation that was developing in the colony. But some complaints came from both sides.

The Indians complained of harsh treatment on some of the estates.<sup>3</sup> One estate on the South Coast, which is now run on model lines, kept up its own police force and prevented any coolies leaving in order to lay a complaint before the magistrate. On this estate, there were in one day five suicides and when the chief plantation owner retired, he had to leave Natal in dread of the vengeance of the coolies he had ill-treated. Suicide indeed became comparatively common and much more frequent than in India itself. This served to show that there was still a good deal of reform needed in the treatment of the indentured Indian immigrants. They complained that even when they could get access to the courts, the interpreters were so unco-operative that their cases were seldom properly heard.

There were also difficulties about their marriages. To begin with, the number of women was quite inadequate and quarrels about women were frequent. There was no proper method then of recognizing and making legal Indian marriages,<sup>4</sup> and inevitably under these circumstances many cases of desertion occurred, while the woman, if she wished, could easily transfer her allegiance to another man. Indeed, as far back as 1876 the Protector of Immi-

<sup>1</sup> Report of Protector of Immigrants, 1891-2, p. A.24.

<sup>2</sup> Governor's opening speech, 2nd Session, 4th Council, 1893. Papers Un-numbered, p. 7.

<sup>3</sup> The Protector of Indian Immigrants cites some of these complaints in his Report of 1884, p. 15. See also Annexure Q. p. A.40.

<sup>4</sup> There was a law passed in 1874 providing for the registration of Indian marriages and Indian births and deaths.

grants stated: 'I am frequently besought by the women to grant them divorces but never by the men. Many evils of which this is one arise from the paucity of women, 40 per cent being too small a proportion bearing in mind that marriage is an almost universal custom in India.'<sup>1</sup>

Another grievance mentioned was inadequate rations, about which the Protector wrote in 1876: 'I am of the opinion that wherever there has been any question on this score, I have in presence of the complainants inspected the weights and measures used, and except in one instance have always found they were getting the full allowance. Still I am of the opinion that the Government Ration is insufficient and this opinion is shared by many of the planters, who have of their own accord increased it. After a short residence here, the Indian becomes more robust, capable of doing more work and requiring more sustenance.'<sup>2</sup>

The dissatisfaction of the Europeans turned mainly on two points, the insanitary habits of the Indians and the competition of the Indian traders. Thus in 1892 the Protector of Indian Immigrants, quoting the I.M.O. for the Stanger Circle wrote: 'The sanitary state of the Indian quarters still leaves much room for improvement. If the people were to study the habit of the domestic cat in sanitary matters, and bury their excrement, it would greatly conduce to the comfort of all concerned.'<sup>3</sup> There was a similar state of affairs in Richmond, 'Outbreaks of diarrhoea, dysentery, and low forms of disease are becoming common, in some cases alarming. I attribute the greater part of the illness of the people to the nature of the drinking water and the advent of Arab or Coolie Storekeepers who do not attend to sanitation or cleanliness. The village is in parts in need of an Inspector to see that excreta are properly disposed of.'<sup>4</sup>

It does not appear, however, that any steps were taken to teach the Indians more sanitary habits. In most places, no latrines at all were provided for them. In India at this time latrines were not used. The habit of field squatting was common. But it was not harmful in India because the strength of the sun soon destroyed the offence. Moreover, many of the Natal water courses were seriously polluted in this way and their insanitary conditions were a cause of constant trouble. I am informed by an ex-manager of an Assamese tea plantation that similar difficulties arose in the hot damp climate of Assam where Indian immigrants were imported from other parts of India to work on tea plantations.

As far as Natal goes these difficulties are now a thing of the past. The Indians have been educated up to Western standards which

<sup>1</sup> Protector of Immigrants Report, 1876, pp. 2-3, L.C. 23 of 1877.

<sup>2</sup> Protector of Immigrants Report 1876, p. 3, Sess. Papers 1877, L.C. 23.

<sup>3</sup> Report of Medical Officer for Stanger Circle, 1891-2, p. A.30, in supplement to Natal Government Blue Book.

<sup>4</sup> Magisterial Reports 1890-1, Upper Umkomanzi District Surgeon's Report, p. B.119.

are of course more suited to the hot and humid summer climate of Natal.

Two quotations illustrate the increasing unpopularity of the Indian trader during this period in Natal: 'A few more Indian stores have been opened in the town of Verulam during the year, and two European stores have been closed for want of support, the Indians having entirely absorbed the petty trade, as well as that with Indians and Natives.'<sup>1</sup> 'Complaints continue to be made of the increasing number of Indian traders and hawkers in the district [Lion's River Division]. These people render it impossible for small European store-keepers to make a living, and all the Native Trade of the Colony is getting into the hands of the Free Indians.'<sup>2</sup> Similar reports were still being made by magistrates well into the following decade: 'The Bombay Indians, or Arabs as they are called, are the principal storekeepers. They are, no doubt, keen and successful traders, and secure the bulk of the trade with both Indians and Natives. But it is most necessary in my opinion that they should be required to keep their books in English, and according to our method of book-keeping.'<sup>3</sup>

This growing dissatisfaction gave rise in 1885 to the appointment of an Indian Immigrants' Commission under the chairmanship of Mr. Justice Wragg which reported in 1887. It issued a curiously patchy and ill-arranged report dealing in no particular order with complaints and difficulties of various kinds from both the European and Indian groups. It discussed, for instance, Indian marriages, pollution of streams, abuses and irregularities on various estates, unfitness for work of certain imported Indians, desertions, incapacity of interpreters, Sunday labour, and other matters.

There was no summing up, no envisagement of a definite clear-cut policy. But here and there suggestions and hints were given out of which future policy, though still a piecemeal and incoherent policy, was to grow. It is apparent throughout that there was very strong objection to the *indentured Indians*, but the planters were determined to keep them. They clung to their right to import more and more indentured labourers, with the government paying £10,000 a year towards the cost.

The *free Indian* was regarded with a mixture of suspicion, fear and disgust. 'A majority of white colonists are sharply opposed to the presence of the free Indian as a rival and competitor either in agricultural or commercial pursuits.'<sup>4</sup> . . . 'Others do not object to the present system if the status of the free Indian is reduced to a lower level. They would subject him to a kind of *capitus diminutio* by depriving him of a portion of the capacity of exercising all the

<sup>1</sup> Magisterial Reports, 1884, Inanda Division, p. B.45.

<sup>2</sup> Magisterial Reports, 1885, Lion's River Division, p. B.61.

<sup>3</sup> Magisterial Reports, 1892-93, Inanda, p. B.54.

<sup>4</sup> Wragg Report, p. 84.

rights at present attached to the status of a free Indian. Thus they would not permit him to move about except under a system of registration and police supervision; they would compel him to be photographed and to produce his photograph on demand of the police; they would confine him whether as trader or as simple householder to certain specified portions of towns and would compel him when engaged in trade to keep his accounts in English.'<sup>1</sup>

The commission did make a half-hearted suggestion that Native labour should be employed more extensively and that its recruitment should be stimulated by an elaborate system of bonuses to be operated by the Native Affairs Department. No attempt was made to put this suggestion into effect.

One proposal was made to the commission that the Indian indentures should terminate in India, that is, when an immigrant worked out his indenture he should be immediately returned to India without the option of residing as a free man in Natal. This, of course, seemed reasonable and just to many Natalians, accustomed to employing Bantu labourers, who returned to their reserves at the end of their term of service. But it was very strongly opposed by Mr. J. R. Saunders, the well-known sugar planter, who was a member of the commission. He wrote as follows: 'I wish to express my strong condemnation of any such idea. What is it but taking the best out of servants and then refusing them the enjoyment of their reward—forcing them back (if we could but we cannot) when their best days have been spent for our benefit. Where to? Why, back to the prospect of starvation from which they sought to escape when they were young, Shylock-like taking the pound of flesh and Shylock-like, we may rely on it, meeting Shylock's reward.'<sup>2</sup> But the idea was taken up and resulted in Mr. Binns' mission to the Indian Government which had unexpected results, as will be described in the next chapter.

Another matter that began to be discussed in this period was the Indian franchise. The original franchise law of Natal, based solely on property, clearly contemplated a white electorate only, but a good many Indians became qualified to be placed on the roll.<sup>3</sup>

<sup>1</sup> Wragg Report, p. 85.

<sup>2</sup> Wragg Report, p. 100.

<sup>3</sup> 'Every man, except as hereinafter excepted, above the age of twenty-one years, who possesses any immovable property to the value of Fifty pounds or who rents any such property of the yearly value of Ten pounds within any electoral district and who is duly registered in the manner hereinafter mentioned, shall be entitled to vote at the election of a member for such district . . . not having been naturalised by some Act of the Imperial Parliament or of the Legislature of Natal, a person who shall have been convicted of any treason, felony, or infamous offence, and shall not have received a free pardon, shall not be qualified to vote at any such election.' (Extract from The Charter of Natal paras. 11 and 12, dealing with franchise qualifications. It was issued on 15 July 1856, at which date Natal received representative government. cf. G. W. Eybers, *Select Constitutional Documents Illustrating South African History*, 1918, p. 190.)

This naturally shocked European opinion. The report of a select committee observed in 1880: 'Before leaving the matter of the Electoral Franchise, the Committee would draw the attention of the Council to what may become a serious question for the consideration of the Colony. At the present time the Indian population of the Colony nearly equals that of the white population, and is rapidly increasing. Already many of this population have been entered on the roll of Electors, and in certain Districts of the Colony will at an early date control the representation of such Districts. They will generally, in all probability, vote as a class. It appears to the Committee, while in no way wishing to interfere with the Constitutional rights of anyone, that this question must sooner or later be dealt with. Such Indians did not possess a franchise in India. They have been introduced chiefly as labourers, but what is of primary importance to recollect, they claim the privileges of a separate and special Judicial Code. Whether under these circumstances the mere acquisition of the low property qualification existing in the Colony should entitle such persons to exercise the franchise seems fairly open to doubt.'<sup>1</sup>

It is interesting to note that in the Act of 1896 finally disenfranchising the Indians, practically the same words were used as in the select committee's report. It is not quite clear what is meant by a special Indian Judicial Code. The free Indian, whether ex-indentured or a passenger Indian, asked for nothing but to be treated as any ordinary citizen of the country. It may refer to special ordinances under which Indians were treated while under indenture, or it may refer to the marriage laws.

The British Government, however, refused to sanction the disenfranchisement of the Indians at this stage, and the matter had to wait for further consideration until responsible government was achieved.

Thus during the 70's and 80's the Indian came to be a definite part of the Colony of Natal, prospering himself and helping the Colony to prosper. But the feelings of antagonism which later rose to such heights of intensity were already beginning to show themselves.

<sup>1</sup> Report of Select Committee on Responsible Government (Sessional Papers) L.C. No. 31, of 1879-80, printed in Natal Government Gazette, 29 January 1880.

## CHAPTER IV

### GANDHI IN NATAL

IN the period 1893 to 1914, the position of Indians in Natal crystallized into a definite pattern from which there has since been little fundamental deviation, though it has become accentuated and developed in various ways.

It is in this chapter that we have to deal with the disfranchisement of Indians, the £3 licence, the organized resistance to the landing of free Indians at the Point in 1897, and the launching of the campaign of passive resistance by M. K. Gandhi, that extraordinary man who is now regarded as a saint by millions of his fellow countrymen. It was in Natal that Gandhi first worked out his peculiar technique of political agitation, that combination of unflinching defiance of unjust laws unaccompanied by violence or even resentment, which played a very large part in bringing about the British withdrawal from India. In Natal, his success was less spectacular. But it was success all the same, success against tremendous odds, and it relieved the Indian communities in South Africa from some, at least, of their worst grievances. In all the events mentioned above Gandhi was to some extent involved, and of the passive resistance campaign he was the direct instigator and organizer. It seems, therefore, desirable to begin this chapter with a short account of his antecedents, early life, and temperament.

Mohandas Karamchand Gandhi was born in Porbandar in north-west India in 1869. He was of the Vaisya caste, which was the third caste in the old Hindu social scale, far below the Brahmins who were number one caste, and the Kshatriyas, or rulers and soldiers, who ranked second. But the family was reasonably wealthy and of considerable culture. Both his grandfather and father held political offices and were noted for the firmness with which they resisted authority when they had reason to think that it was in the wrong. His grandfather was for a time the Prime Minister of the little state of Porbandar. There were books in the Gandhi house, and the elder brother of Mohandas was a lawyer, and later, a government official.

Gandhi, as we shall call him henceforth, went to school at Por-

bandar, but he does not seem to have been a very successful student. He was married at the age of thirteen, his bride being Kasturbai, the daughter of a merchant. Louis Fischer in his *Life of Mahatma Gandhi* recounts some of the difficulties of this marriage of two children, and describes how passion for his wife prevented Gandhi being present at his father's deathbed. This seems to have bred in Gandhi a feeling of guilt in regard to sexual relations. Many years later a vow of voluntary chastity was established between Gandhi and his wife, mainly as training for the life of self-denial that his self-imposed mission would entail, but partly owing to this sense of guilt.

In 1888 Gandhi was sent to London to study law and was enrolled at the Inner Temple. Living in a very poor part of London he formed a very unfavourable idea of social conditions in England. Apparently he never learnt anything of the efforts being made by reformers in England to improve these conditions, efforts which, by the middle of the twentieth century, have been largely successful. He was apparently, during this period, very shy and awkward and was never happy in England. He was called to the bar on 10 June 1891, enrolled in the High Court on the 11th, and sailed for India on the 12th. He had no wish to spend a day more than necessary in England.<sup>1</sup>

There is no doubt that he did gain considerably from his stay in London. He made acquaintance for the first time with the Bible, though in London he never got beyond Leviticus and Numbers. He also read Thomas Carlyle's essay on the prophet Mohammed, and for the first time came across the writings of Tolstoy which were subsequently to influence him profoundly.

When he returned to India he turned to the study of Indian philosophers and mystics, devoting special attention to the Bhagavad Gita, and it was during this period that he first began to elaborate his conceptions of spiritual forces and the strength of non-violence.<sup>2</sup> He came to loathe the employment of force, although paradoxically, against his will, over and over again his policy gave rise to acts of violence. He hated revenge or punishment of any description. He came, though slowly and only in the course of his residence in South Africa, to distrust all wealth and luxury, and to believe that the soul develops best under conditions of the simplest life possible, punctuated at times by fasting and other acts of self-discipline. It was through these practices that he developed that extraordinary personality which gave him, at one and the same time, the power to lead and inspire men and to meet his opponents with so complete an absence of resentment that almost against their will they listened

<sup>1</sup> Fischer, L., *The Life of Mahatma Gandhi*, 1951, p. 41.

<sup>2</sup> Gandhi was preparing himself for the role of a Satyagrahi, i.e. an exponent of the employment of the force of Eternal Truth in human affairs. The vow mentioned above was part of this spiritual preparation.

to him and were sometimes convinced by his arguments.

But there was very little sign of these characteristics when he landed in Natal in May 1893, in answer to a request from an Indian merchant in South Africa for legal advice. 'As he left the boat to meet his employer, a Moslem business man named Dada Abdulla Sheth, Gandhi wore a fashionable frock coat, pressed trousers, shining shoes and a turban.'<sup>1</sup> A very different figure from the dhoti-clad Gandhi known to later years—a form of attire which led Churchill to describe him as a 'fakir'. He soon came up against the disabilities of which he had had no previous experience either in India or in England. For his journey to Pretoria in connection with the lawsuit, he was provided by his client with first class accommodation, but at Pietermaritzburg a white man objected to his presence and the railway officials insisted that he travel third class. Met with a refusal they ejected both him and his luggage from the train. Louis Fischer describes the incident as follows: 'Gandhi could have returned to the train and found a place in the third-class car. But he chose to remain in the cold station waiting room. His overcoat was in the luggage which the station people were holding; afraid to be insulted again, he did not ask for it. All night long he sat and shivered, and brooded.'<sup>2</sup>

Many years later, Dr. John R. Mott, a Christian missionary in India, asked Gandhi, 'What have been the most creative experiences in your life?' In reply, Gandhi told the story of the night in the Pietermaritzburg station.

Undoubtedly, in the chilly third class waiting room in Pietermaritzburg, the seeds were sown of immense and world-shaking events. During that bitter night the germ of social protest was born in Gandhi. But he did nothing immediately. He proceeded on his business to Pretoria.

The same experience was repeated in another form later on his way to Pretoria. At that time, the journey from Charlestown to Johannesburg had to be made in a stage coach and at first he was not allowed to travel inside but was required to crouch on a piece of dirty sacking on the footboard. The driver made attempts to drag him from the coach. Finally, at the intervention of the white passengers, the driver gave up striking him and he was allowed to enter and sit inside.

When he arrived in Pretoria he went to an inn run by an American, Johnston's Family Hotel. At first he was required to take his meals in his own room, but after the hotel keeper had ascertained that the other guests had no objection to his presence he was admitted to the dining room.

Within a week he summoned the Indians of Pretoria to a meeting and urged them to revolt against the various forms of discrimination

<sup>1</sup> Fischer, L., op. cit. pp. 55-6.

<sup>2</sup> Ibid, p. 41.



practised against them; but at the same time, he urged four things: 'Tell the truth even in business; adopt more sanitary habits; forget caste and religious divisions; learn English.' Though he was only twenty-four years old this first public speech was successful and the Indians in Pretoria formed a permanent organization. Thus, at the very beginning of his activities in South Africa he mingled political agitation with the spiritual enlightenment of his followers. He succeeded in obtaining a successful settlement of the lawsuit for which he had been engaged to come from India, but not by orthodox methods. He secured a settlement out of court and induced the other party to the case to permit the loser to pay by a much extended system of instalments. He then returned to Durban and prepared to sail for India after being in South Africa just under a year.

It was on the eve of his departure, early in 1894, that he learned of the plan to disfranchise the Indians of Natal. He realized the immense dangers to them and decided to remain another month to help in their fight. Actually, however, he did not permanently leave South Africa until 1914.

During the next three years he learnt more about their many disabilities, wrote letters to the newspapers, addressed conferences, circulated petitions—one was signed by 10,000 Indians—and became the one influential and enlightened figure among the Indian community, though he educated and trained his closest adherents to co-operate with him. After three years he returned to India to fetch his family, when he made public the grievances of the Indians in Natal. At Poona he met two of the great men of India, Gopal Krishna Gokhale and Lokamanya Tilak, an association which was to bear subsequent fruit in South Africa, and he addressed large public meetings in Bombay, Poona, and Madras. He sailed from Bombay with his wife and family on the S.S. *Courland* and so came to be a leading figure in the anti-Indian demonstrations of 1897 in Natal. At this point we may return to the main course of the narrative which for the next seventeen years is also M. K. Gandhi's life.

As soon as Natal was given responsible government, it immediately tackled the question of the disfranchisement of Indians. At that time, the right of Indians to vote was given by the original Charter of Natal which laid down that, subject to certain property and educational qualifications, every male adult should be entitled to a vote. This had already been modified by the Act affecting Natives, passed in 1865, by which they were entitled to have a vote only on condition that they passed certain educational tests, were Christians and were living according to European standards, and even then only by the special sanction of the Governor. Very few Natives qualified and none of them is still alive.

Indians, however, continued to have a right to the franchise, provided the property and educational qualifications were ful-

filled. At that time there were three or four hundred Indians on the voters' roll—storekeepers and their assistants and other free Indians. It was asserted that: 'The class of Asiatics who have qualified or, if the Law remains as it is, will be likely to qualify, for the franchise have no interests in common with the bulk of the Asiatic population, now numbering about 40,000 in Natal. The bulk of that population consists of Hindu and Tamil labourers and domestic servants from Madras and Calcutta, most of whom are under special laws which give them special protection, and are entitled as soon as the term of that protection expires to return passages to their native country.'<sup>1</sup>

Gandhi, about to return to India early in 1894, saw a paragraph in the local paper indicating that a disfranchisement bill was to be introduced, and was much perturbed at its possible serious consequences. He deferred his departure and sent a telegram to the Speaker of the Assembly requesting him to postpone further discussion of the bill which had already passed its second reading. Telegrams were also sent to the Prime Minister, Sir John Robinson and to Mr. Escombe, who had shown himself, in some respects, friendly to the Indians. The third reading of the bill was postponed for two days and in those two days Gandhi succeeded in organizing a petition and also in securing signatures to it. The bill, however, was passed through all its stages without a dissentient voice. It was then decided to send a monster petition, with 8,889 signatures, to the Secretary of State for the Colonies in London. The Natal Government, in reply to this step, pointed out that the bill was passed unanimously in both Houses of the Legislature showing a universal conviction among Europeans in Natal that unless Indians were disfranchised the electorate would, at no distant date, be swamped by voters who were wholly unfitted by their inexperience and habits to vote intelligently and independently.<sup>2</sup> The Secretary of State for the Colonies replied 'that a measure of this sweeping nature is regarded by Her Majesty's Government as open to the very gravest objection. It draws no distinction between aliens and subjects of Her Majesty, or between the most ignorant and the most enlightened of the natives of India. I need not remind you that among the latter class there are to be found gentlemen whose position and attainments fully qualify them for all the duties and privileges of citizenship. . . . But the Bill under consideration involves in a common disability all natives of India, without exception, and provides no machinery by which an Indian can free himself from his disability, whatever his intelligence, his education or his stake in the country, and to assent to this measure would be to put an

<sup>1</sup> Sessional Papers, L.A. 6 of 1896, p. 45.

<sup>2</sup> Correspondence on Franchise Law Amendment Act, Sessional Papers L.A. No. 16 of 1896.

affront upon the people of India such as no British Government could be a party to.<sup>1</sup> After considering this communication the Prime Minister advised the Governor of Natal that they appreciated the difficulties besetting the Home Government and expressed their 'desire, as far as possible, to co-operate with Her Majesty's Government in overcoming these difficulties, insofar as they can be met without sacrifice of the one end in view, namely, the exclusion from the Franchise of persons unfitted for its privileges.'

The Colonial Office refused to consent to the bill, and during 1895 communications on the subject continued. Meanwhile, the matter was brought to the attention of the Government of India. Indians in Natal petitioned the Viceroy of India to stop indentured immigration to Natal, objecting not merely to the proposal for the disfranchisement, but also to the £3 licence, to be discussed later. Finally, in 1896, a bill for depriving Indians of the franchise was re-introduced. The existing Indian voters were not affected—143 Indians out of the 2,337 total registered voters in the Durban electoral district and 68 out of 1,552 in the Pietermaritzburg electoral district. In the other districts the number of Indian voters were negligible. In consideration of the views of the Colonial Office, Indians were not explicitly named in the bill which merely disqualified those 'who (not being of European origin) are natives or descendants in the male line of natives of countries which have not hitherto possessed elective representative institutions, unless they shall first obtain an order from the Governor-in-Council exempting them from the operation of this Act'.<sup>2</sup>

The Prime Minister, Sir John Robinson, speaking during the discussion of the bill and referring to the petition forwarded by the Indians of Natal to the Secretary of State, said that 'the petition itself may be accepted as conclusive evidence of the danger that menaces the electorate should Asiatics continue to be admitted to the Franchise'.<sup>3</sup> The Home Government agreed to an arrangement which did not explicitly mention Indians or Asiatics. But the effect of the bill passed early in 1896<sup>4</sup> was the same. It has continued to operate even though representative institutions have since been set up in India.

In the arguments for the bill in the Legislative Assembly great stress was laid on the necessity for a 'pure' franchise, particularly in view of the difficulty of governing Natal. No mention was made

<sup>1</sup> L.A. No. 6 of 1896—Natal Government Gazette of 1896, p. 529.

<sup>2</sup> Section 2 of Franchise Law Amendment Act of 1896, Natal Government Gazette, 1896, L.A. No. 6 of 1896, p. 529.

<sup>3</sup> The Prime Minister was alarmed by the fact that 8,889 Indians had signed this petition, and therefore considered themselves eligible for the franchise. Letter, Sir John Robinson to the Governor of Natal, 27 July 1894.

<sup>4</sup> Franchise Law Amendment Act, Act No. 8, 1896.



Gandhi as he appeared at the beginning of the struggle in 1906



Gandhi as he appeared at the end of the struggle in 1914

# INDIAN OPINION.



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पहला गोरखना दिनांक १०

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# LOOK OUT

WANTED

GOOD MACHINE BOY

FOR

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# NEXT WEEK'S

# INDIAN

# OPINION

The first page of the first issue of *Indian Opinion*

of the possibility of educating the Indians up to their new civic responsibilities, nor of the possible exploitation of an unrepresented racial group placed entirely under the control of a more privileged group. Democracy is a fine ideal and under suitable conditions an eminently successful form of government. But it is a dangerous travesty to establish democratic institutions for one class and to give it full control of other groups or classes who have no representation. In contrast, a benevolent autocracy is a better form of government. However, none of these arguments were put forward in Natal and supreme control over the destinies of the Indians passed into the hands of the white community, many members of which were, and continue to be, hostile.

Early in its history the Free State had prohibited Asiatic immigration within its boundaries, and in 1891 it enacted that no Indian could own or occupy land within the Republic. However, in 1897 these laws were slightly modified and Indians were allowed to reside in the Orange Free State under very specific restrictions.<sup>1</sup> In the Transvaal, at that time also an independent Republic, Indian entrance and residence were restricted, and the Indian immigrants had so many grievances that the desire of the British Government to defend the rights of Indians in the Republic who were, of course, British subjects, was put forward as one of the justifications of the Boer War.

Hostility to the Indians is further shown in the curious £3 licence or tax which was imposed on some members of the Indian community. The growing competition of the free Indians with white workers, and especially with traders, had caused some concern, and in 1894 the Natal Government despatched a commission consisting of two persons, Mr. Binns and Mr. Mason, to India to endeavour to induce the Indian Government to consent to a proposal that Indian indentures should terminate in India. This would have meant that Indians would not be free of their indentures until they had returned to India. In this way, the use of the cheap indentured labour could have gone on without involving a continuing increase in the number of free Indians.

The Indian Government did not receive the proposal favourably. This was not the first time that this question had been raised in the history of indentured Indian immigration to Natal, and the Indian Government was always opposed to a policy by which young men could work for their best days in a British Colony and then when their working powers were no longer what they had been, be returned to India. It was commonly known among British officials in India as 'the sucked orange policy'. But the Natal Government was very persistent, and finally the Indian Government put for-

<sup>1</sup> *Cambridge History of the British Empire*, Vol. 8, p. 549; and *Handbook on Race Relations in South Africa*, 1949, p. 206. The laws are undoubtedly responsible for the negligible number of Indians who have entered this territory. The total number of Indians in the Free State was 14 according to the 1946 census.

ward a modified proposal, but no written reply was given to the delegates.<sup>1</sup> They were told however, 'that there would be no objection raised to a condition being inserted in the contract to the effect that coolies must return to India at the end of their last term of indenture, provided that failure to fulfil this condition shall not constitute a criminal offence'.<sup>2</sup>

Meanwhile, the Natal Government had been in communication with the Colonial Office on the subject. The Colonial Office had sent, for their information, a copy of the scheme carried out in Jamaica and directed to the same end—the stopping of unfair competition by Indian workers with a lower standard of living. By this scheme a tax of one shilling a week per worker was levied on all employers of Indian labour. When the Natal Government proceeded to deal with the matter, it went one better than the Jamaica example. It was proposed that, in Natal, the tax—a residence tax—should be levied on the Indians, not on their employers, and that it should amount to £3 a year, instead of £2 12s. Further, it was imposed not only on Indians in employment but on all Indians above the age of sixteen falling within the limits of the Act. It was also applied in theory to women, though it appears that probably this had not been originally intended by the British Government. Naturally, it could not be made retrospective and therefore it applied only to Indians indenturing after the date of the passing of the Act, namely 1895.<sup>3</sup> It was accepted by the Government of India, and all subsequent indentures contained an undertaking in the terms of the Act. It did not, however, come into active operation until the indentures entered into in 1896 were worked out, that is in 1901, and immediately it aroused a great deal of indignation. It was a burdensome levy on Indians most of whom were very poor. It could easily amount to over £20 a year for an Indian family, and it was further unfair inasmuch as it applied only to certain Indians and not to others.<sup>4</sup> It is true, and was urged in a later defence of the Government of Natal, that the indentured labourers who were affected had all agreed to it when they accepted their indentures; but, as Sir Benjamin Robertson, an Indian civil servant, told the Solomon Commission of 1914,<sup>5</sup> in many cases the coolies simply did not understand. 'They have no comprehension of what it means. They won't try to understand. They have no idea but to get away from India owing to some domestic or caste trouble or something of the sort.' Therefore, the payment of this tax or

<sup>1</sup> Solomon Commission, U.G. 16, 1914, pp. 23–32.

<sup>2</sup> Solomon Commission, op. cit. p. 23.

<sup>3</sup> Alterations were made in the Indian Immigrant Act of 1891 by Act 17 of 1895. cf. Indian Immigration Trust Board Report, 1894–5, p. A.48.

<sup>4</sup> The free immigrant and trader were exempt from this tax.

<sup>5</sup> Solomon Commission, op. cit. p. 24.

licence was bitterly resented and every possible means was taken to evade it.

In any case it did not work satisfactorily, for in 1903 a second deputation was sent by the Government of Natal to interview the Government of India. The Natal Government was anxious that the Indian labourers' indentures should expire in India, and not in Natal, but on this occasion it was impossible to arrive at any settlement.<sup>1</sup> The situation, therefore, was that some and not all Indians had to pay this licence or tax, and that no action could be taken against those who refused to pay, other than being harried by the police and brought before the magistrate.<sup>2</sup> The Indians were, however, subject to considerable inconvenience and hardship through attempts to collect the tax which they tried to avoid by moving about from place to place. In the end it was collected from only about one-third of those who were liable to pay.

The whole matter was fully discussed by the commission of 1914 which was set up by General Smuts to enquire into Indian grievances and disturbances, under the chairmanship of Judge W. H. Solomon. The commission condemned the whole tax. After spending some time on the question whether this impost was better described by the term 'licence' or 'tax', it agreed that neither term was quite suitable. A licence is generally granted to enable the applicant to undertake some special activity. But this was, so to speak, a negative licence, in fact the commission described it as a 'penalty upon residence', and concluded that the most appropriate term was 'tax'. The Act of 1895 had provided that the tax could be collected like any other debt by summary process, but if the Indian could not, or would not pay, then the government had difficulties in taking further action. In the case of immigrants who fell under the provisions of the Act of 1896, their children, on obtaining the age of majority,—16 in the case of boys and 13 in the case of girls—were compelled either to go to India or to remain in Natal under indenture, or to take out a pass or licence (at the cost of £3) to remain in the colony.<sup>3</sup> Later, in 1903, penalties were imposed on anyone employing Indian immigrants who fell under the conditions of these laws, unless the Indian could show him the pass or licence in question.<sup>4</sup> Further disabilities were imposed on employers of persons liable to the tax who failed to pay it; and no Indian could take out a hawker's licence to trade in the Province of Zululand unless he had paid his £3 tax.<sup>5</sup> However, in 1910 there was a slight relaxation

<sup>1</sup> Solomon Commission, op. cit. p. 25.

<sup>2</sup> The authorities could only take summary action to recover the amount against those who failed to pay the tax. The defaulters could not be deported. Solomon Commission, op. cit. p. 25.

<sup>3</sup> In 1903 this became law under an Act passed to amend Act 17 of 1895.

<sup>4</sup> Solomon Commission, op. cit. p. 26.

<sup>5</sup> Solomon Commission, op. cit. p. 26.

in the administration of the law; the resident magistrates were directed to release Indian women from payment of the licence money on the grounds of ill-health, old age or any other just cause, and the effect of this was that the authorities practically ceased to collect the tax from women.

In practice, the tax fell on a comparatively small section of the Indian community. Out of a total of 54,000 men who came into Natal under indentures under the Act of 1895, only 10,800 were liable to the tax in 1914.<sup>1</sup> Between 1895 and 1914 several thousand Indians had entered Natal, who were not encumbered by the indenture contract. They came as 'passenger' Indians and the majority of these belonged to the trading class from the Bombay region, both Hindus and Muslims. Established in commercial enterprise of some kind, they were in more prosperous circumstances than the indentured labouring class who were required to pay the £3 tax. Furthermore this tax was more easily avoided by vagrants and loafers than by the settled, indentured immigrant.

The Solomon Commission came to the conclusion that the £3 licence had to be taken out as a rule by the Indians 'who were least able to afford it'. But even of the 10,800 liable to the tax, it was only collected from less than one-third of that number, and the number who paid it was steadily falling. For example, for the ten months ending 31 March 1911, the amount collected was over £20,000, but in 1913 the sum of only £10,273 was collected.<sup>2</sup> It was easy to collect it from an Indian labourer in regular employment, say on the railways, because in that case the employer could be instructed to deduct it from the man's wages. But these were the exceptions, and many of those who were liable were in fact unable to pay the tax. They simply had not the money. Civil proceedings would then be taken against them, and the magistrates would give an order for the tax to be paid by instalments. Failure to pay in instalments would lead to proceedings for contempt of court and would not infrequently end in committals to prison for hard labour: 'A result', the commission cautiously remarks, 'which is scarcely consistent with the undertaking given to the Government of India that failure to return to India should not subject the defaulters to criminal penalties.'<sup>3</sup> Other Indians absconded from their regular

<sup>1</sup> Solomon Commission, op. cit. p. 27.

<sup>2</sup> The Report of the Chief Commissioner of Police (C.I.D. Dept.) in 1903 stated that 12½ per cent of those liable to pay the £3 tax evaded it. cf. Solomon Commission, op. cit. p. 27.

<sup>3</sup> The manner in which Act 17 of 1895 could be enforced was indeed defective. 'The licence is only recoverable by civil process, instead of a penalty being imposed as in other cases of failure to take out a statutory licence, and civil judgment proves a very bald satisfaction against a person without means of paying, and para. 55 of Act 22 of 1896 provides that a person cannot be imprisoned for mere inability to pay.' Magisterial Reports, 1903, Inanda, p. 44. See also Solomon Commission, op. cit. p. 27.

employment in order to avoid payment of the tax and so degenerated into loafers and vagrants with the amount of the instalments legally due mounting up against them from year to year.

The commission summed up the situation as follows: 'Not only, therefore, is the tax most unequal in its incidence, but it is also most uncertain in its operation, and it is easy to understand that these facts cause a considerable amount of feeling on the part of those by whom it is actually paid. It must be very galling to the hard-working Indian in regular employment or to the owner of a piece of land on which he makes a precarious living to find that not only is the well-to-do merchant free from any special charge, but that the large majority of the coolies, who, like himself, undertook to take out an annual licence, fail to do so and successfully evade the payment of the tax. It is difficult indeed to conceive of anything more demoralizing or more likely to lead to attempts at evasion on their part. Is it surprising that the effect often is to induce men to wander about from district to district and so to degenerate into loafers, thus creating the very state of affairs which some of the witnesses fear will take place if the tax is abolished? The result, consequently, is to put a premium on vagrancy and to penalize the industrious labourer. Not only, therefore, is the tax, as already pointed out, objectionable in principle as being a penalty upon residence, but its incidence is such that it causes considerable irritation and discontent. We have to realize the fact that the indentured Indians have been brought here to serve our own needs, that for better or for worse the majority of them have come to stay, and that in the interests of good government it is desirable to remove as far as possible any cause of irritation.'<sup>1</sup> Finally, the abolition of the tax, on the advice of the Solomon Commission, was one of the items in the agreement reached between Smuts and Gandhi in 1914.

Gandhi returned to South Africa in 1897 with the intention of establishing himself for some years in order to lead his Indian compatriots in a campaign to remove the injustices to which they were subjected. He was, however, greeted with a most unfavourable reception by the Europeans and in January 1897 there occurred the demonstrations at the Point, which were engineered by a responsible and representative committee. There had been for some time a growing feeling against the free 'passenger' Indians, and there had been a number of sporadic meetings of protest against them. The Demonstration Committee led by Colonel Harry Sparks was set up with the avowed object of preventing a further introduction of free Indians. News came in December 1896 that two ships—the *Courland* and *Naderi*—had left Bombay for Natal containing a number of free Indians. Gandhi was known to

<sup>1</sup> Solomon Commission, op. cit. pp. 27-8.

be on board and wild rumours spread that he was arranging for the importation of a further number of Indians not under indenture, with the object of increasing the Indian population in Natal. Arrangements were made for a public demonstration against the landing of the passengers. Orders were given that businesses should be closed and that employees and other members of the white population should march down to the docks in protest, and should be prepared if necessary to resist the landing of the Indians.

When the two ships arrived at the outer anchorage early in 1897 they were placed in quarantine. After the quarantine period had expired, the authorities were bound to allow the passengers to land. Buglers on horse-back were sent through the streets of Durban to give the agreed signal. Businesses were at once closed, and large numbers of the white population marched in procession down to the docks. They were accompanied by numbers of Native employees of the businesses concerned, who demonstrated in the typical Zulu way by singing, shouting and dancing. Fortunately, the Police Superintendent, R. C. Alexander, realizing that they would inevitably add to the chances of disorder, detached the Natives and sent them home. The vessels entered the harbour and were moored at the Bluff, where several hundred of the Indian passengers disembarked. Meanwhile, the demonstrators were addressed by the Attorney-General, who was subsequently Prime Minister of Natal, Mr. Harry Escombe. He promised them that the unrestricted immigration of free Indians would in future be halted and that the government subsidy for the transport of indentured immigrants would be dropped. After receiving these assurances, the demonstrators agreed to disperse. It will thus be seen that the proceedings were orderly and cannot be described, as commonly supposed, as a riot.

It was suggested to Gandhi, who was the target of the main wrath of the demonstrators, that he should land under cover of darkness; but this he refused to do, and in the course of the afternoon he was rowed across the Bay accompanied by his English companion, Mr. Laughton, to a landing place at Gardiner Street in the heart of the city. This crossing was not without incident for he was abused by white fishermen and pelted with fish before he finally landed at Gardiner Street. There he was spotted by a group of hooligans. They surrounded him, calling out 'Hang Gandhi' and pelted him with stones, rotten tomatoes, and fish. Halfway up the street leading from the landing jetty the demonstrators surrounded him and forced him, half fainting, against an iron railing. While he was in this plight, he was noticed by the wife of the Superintendent of Police, Mrs. Alexander, who came to his rescue and shielded him with her parasol. The demonstrators naturally did not dare to attack so well-known a lady, and he was able to proceed to the police station where he was received by Mr.

Alexander.<sup>1</sup> Later, he was taken to the Rustomjee house in Grey Street.<sup>2</sup> When it was known where he was, the crowd gathered round the house and threatened to force an entrance or burn it down. Finally, Mr. Alexander persuaded Gandhi to escape disguised as an Indian constable. As soon as Gandhi was safely away, the crowd was invited to enter the house and look for him; seeing he was not there, they soon dispersed.

The authorities in London were greatly perturbed by these anti-Indian demonstrations in Durban, and expressed the hope that the perpetrators should not go unpunished.<sup>3</sup> In accordance with his religious principles, Gandhi refused to prosecute and it was, therefore, impossible to take the action desired by the Imperial authorities.

Gandhi subsequently convinced Escombe that he was in no way responsible for the number of Indian passengers carried on the *Courland* and *Naderi*, nor planned to introduce others, and when public feeling died down he was able to go about Durban in peace and establish himself as a lawyer. He opened an office on the corner of West and Field streets and took a house in Beach Grove, opposite the mansion of Harry Escombe who by that time was the

<sup>1</sup> This occurrence is reported in an issue of the *Natal Advertiser*, but denied in the next day's issue. Responsible inhabitants of Durban have told me that the incident never occurred. But there is quite adequate proof that it did happen. Gandhi himself records it in his *Autobiography*, p. 160 ff. Further, I have been able to talk with Mr. V. Lawrence, now a very old man, who was at that time Gandhi's secretary, and he assured me that he saw Gandhi at the police station about an hour after the attack on him: that he was very dishevelled and shaken, and in giving Mr. Lawrence an account of his experiences, Gandhi laid stress on the kindness and resourcefulness of Mrs. Alexander in going to his rescue. That no steps were taken to publish the facts can easily be explained. Gandhi was so unpopular in Durban at that time that Alexander probably realised that it was undesirable that it should be publicly known that his wife had protected him.

Further, the attack on Gandhi is mentioned in the following extract from a letter from Joseph Chamberlain, then Secretary of State for the Colonies, to the Governor of Natal, dated 5 Feb. 1897. 'Your despatch also enclosed newspaper extracts showing that considerable agitation was being organised in Durban to prevent the landing of free Indians from the two steamers *Courland* and *Naderi* which had arrived from Bombay and had been placed in quarantine. I duly received your telegrams of the 15th January describing the circumstances of the landing of the passengers from these two vessels on the 13th and the action of the Attorney-General in preventing disturbance. I regret to observe the attitude of the populace and of those who took the lead in encouraging them in a course of which the Government had so clearly expressed its disapproval, but I learnt with satisfaction that the threatened illegal action did not take place except in the case of the regrettable assault on Mr. Gandhi. I trust that proceedings have been taken against the perpetrators of this assault for their breach of the law.'

<sup>2</sup> The Rustomjee family are Parsees and have always taken an active part in Indian politics in Natal.

<sup>3</sup> cf. Joseph Chamberlain's letter to the Governor of Natal, in footnote 1 above.



Prime Minister of Natal. Gandhi subsequently moved to Mercury Lane.<sup>1</sup>

It did not in the end prove very easy for the Natal Government to carry out its promises to the Demonstration Committee and its followers. The withdrawal of the £10,000 subsidy for the introduction of indentured Indians was easy enough. It ceased immediately. It had been in operation since 1874, so that the government had expended nearly a quarter of a million pounds in bringing immigrants from India into Natal. The other part of the promise, namely, to restrict the entrance of free Indians, was more difficult to fulfil. The British Government disapproved of any restriction on any British subjects, and ultimately the restriction took the form of an educational test<sup>2</sup> on any Asiatic. This provided that the immigrants should be tested on the grounds of education, health, and means. If they could not pass the test, they could be excluded from Natal by the authorities. The first education test was very easy. It was merely a statement in writing of the name, date of birth, and birthplace of the applicant. Many of the immigrants learnt it by heart without understanding the meaning of the words, and it became almost impossible to exclude anybody through the education test. In 1903 it became necessary to make arrangements for Indians proceeding to and from Natal and other colonies. Another Act<sup>3</sup> was passed to deal with this situation and the opportunity was taken to amend the immigration enactment. In this new Act, the education test was a simple application in writing to be expressed 'in the characters of some European Language'. It provided a better test but was only to be applied to new immigrants, and it was evaded by immigrants asserting that they had previously been resident in Natal. Another difficulty was that Indians who were refused permission to land in Natal made their way to the Cape ports, which were at that time under a separate government, and settled there. It was indeed only some years after Union<sup>4</sup> that the immigration restrictions on Indians really began to operate.

This series of Acts is often quoted by Indian writers as an example of racial discrimination against Indians in Natal. Though this is true, it should not be forgotten that these Acts have benefited the existing Indian population in Natal. Had Natal remained open to unrestricted immigration from the congested populations of India who were living near the margin of subsistence, wages and

<sup>1</sup> This information was given by Mr. V. Lawrence. A present-day Indian lawyer in Durban, who took part in the discussion, said that this fact illustrated the worsening situation of the Indians. At present no Indian lawyer is permitted to reside or to work at any of these addresses. They are all compelled to live at some considerable distance away, which is a disadvantage to their practice at the courts.

<sup>2</sup> Act 1 of 1897, prohibiting free immigration to Natal, except under certain conditions.

<sup>3</sup> Act 30 of 1903.

<sup>4</sup> Immigration Regulation Act, No. 22 of 1930.

standards of living in Natal would certainly have become depressed. When further immigration was stopped, the Indians in Natal were able, as will be seen in the next chapter, to improve their conditions very considerably.<sup>1</sup>

The disturbances of 1897 left a permanent imprint on the character of Natal. As we have already seen, the Indian population was to some extent stabilized, but the intensity of the feeling stirred up by the white inhabitants, mainly in Durban where the disturbance took place, produced a fixed attitude of hostility to Indians which unfortunately still remains.<sup>2</sup>

Before the outbreak of the Anglo-Boer War, Gandhi took the opportunity of acquainting England with the South African Indian question. He corresponded with members of parliament and the various departments of the British Government. But these activities were interrupted by the outbreak of war in 1899. Gandhi, an opponent of violence, could obviously not take part or urge his followers to take part in any actual fighting. He felt, however, that members of any State owed an allegiance to the government of that State and ought to give it support in time of danger. Therefore, he offered his help to the Natal Government in organizing an Indian Ambulance Corps. The offer was at first rejected, but Gandhi and other Indians at their own expense began to train as nurses and orderlies. When the Boers began to advance and the wounded were receiving inadequate care, Natal sanctioned the formation of an Indian Ambulance Corps. Three hundred free Indians volunteered together with 800 indentured labourers, who were given leave for the purpose by their employers. They showed great courage and endurance in their care of the wounded. During one engagement at Spion Kop in January 1900, General Buller sent a message to Gandhi saying that although the Indians were not supposed to enter the firing line he would be thankful if they could come up and remove the wounded. For days, the Indians, carrying wounded soldiers back to the base hospital, were under the fire of enemy guns, and many were killed. Late in 1900, Red Cross units arrived from Britain; the tide of war turned in favour of the British, and the Indian Ambulance Corps was disbanded.

<sup>1</sup> One of the first cases of restriction under these Acts was that of some Syrian immigrants. The immigration authorities were uncertain as to whether Syrians were Asiatics or not, and had to send a clerk scurrying to find an atlas to discover where Syria was situated.

<sup>2</sup> These circumstances remembered vaguely by old inhabitants are often referred to by newspaper correspondents, who frequently assert that the population of Natal opposed the landing of Indians from the very beginning of indentured immigration. This of course is not true. The earlier immigrants were from 1860 to about 1880-5. It was not until after approximately 1885 that the hostility towards the Indians developed and culminated in the disturbance of January 1897. Furthermore, these disturbances were not directed against the further importation of indentured Indians but against the landing of 'passenger' or free Indians.

Gandhi and several of his comrades received the War Medal and the Corps was mentioned in dispatches.

The Indians might well, after these services, have expected some special consideration from the British Government, particularly as one of the causes advanced for the war was the disabilities of the Indians, who were British subjects, in the Transvaal. But this was not to be. As soon as victory was achieved and the Transvaal became a British colony the grievances of the Indians in the Transvaal were ignored. In 1903 the Lieutenant-Governor of the Transvaal, in Executive Council, issued a Government Notice to enforce the provision of Law No. 3 of 1885.<sup>1</sup> At the same time an Asiatic Department was created in the Transvaal to deal with all questions which involved Asiatics (in the Transvaal). This department was largely staffed by British officers from India who had fought in the Boer War and whose attitude towards Indians in the Transvaal was coloured by their previous experience as a small community of sahibs governing a subject population.<sup>2</sup>

Gandhi, who had been absent for some time after the disbanding of the Indian Ambulance Corps, had returned to South Africa in 1903, but not to Durban.<sup>3</sup> He had set up a law practice in Johannesburg and was, therefore, on the spot when difficulties began in the Transvaal. He had founded a Transvaal British Indian Association. This body protested to the Governor, Lord Milner, and in reply a new law was drafted to embody the policy already set forth in the Government Notice. Its main provisions were as follows:

- (1) Asiatics who satisfy the Colonial Secretary of the Colony that their mode of living is in accordance with European ideas should be allowed to live, with their servants, outside locations, but not to trade outside locations, unless they fall under (2).
- (2) Asiatics who had established businesses outside locations before the war should not be disturbed.
- (3) That with the two exceptions mentioned above, Asiatics should be required to live and trade in locations, and should be prohibited from holding land outside. This provision not to apply to land now set aside and used for religious purposes.<sup>4</sup>

<sup>1</sup> See Chapter V, p. 80 footnote 1. In addition to the previous provisions of this Law, the licences of the pre-war Asiatic traders became non-transferable. cf. Joshi, P. A., *The Tyranny of Colour*, 1942, p. 60.

<sup>2</sup> For further information on Indian grievances see British Parliamentary Papers, C.7911 of 1896, Cmd. 1683-4 of 1903.

<sup>3</sup> After the Boer War, Gandhi left South Africa and set up as a barrister in Bombay. But it was only to be for a few months, as the South African Indians implored him to return to South Africa and once more fight for the Indian cause.

<sup>4</sup> Joshi, P. S., op. cit. p. 61.

The matter was also taken up by Lord Milner as Governor of the conquered territories, and in a letter of 1904 to the Secretary of State for Colonies, he said: 'I think that to attempt to place coloured people on an equality with whites in South Africa is wholly impracticable, and that moreover, it is in principle wrong. But I also hold that when a coloured man possesses a high grade of civilization he ought to obtain what I may call "white privileges" irrespective of his colour. . . . For the present, however, there is no prospect whatever of their prevailing, certainly as far as Asiatics are concerned . . . the Asiatics are strangers forcing themselves upon a community reluctant to receive them.'<sup>1</sup> Even the Government of India was not inclined to take any steps to support the Indian community in the Transvaal.<sup>2</sup> In 1904, Lord Curzon, when Viceroy of India, wrote: 'We are not in the least anxious for Indians to go to the Transvaal at all. The relief thereby given to our Indian problem is infinitesimal and we only lay up for ourselves a crop of trouble in the future. Outside the Government of India itself, where the Imperial sentiment is strong, I know of no class, community or individual in India, who wants the Indian to have anything to do with the Transvaal. The bitter example of Natal is before them.'<sup>3</sup>

In 1904 military government ceased and the Transvaal became a Crown Colony; both the agitation against the Indians and the power to make that agitation effective were increased, and in 1906 an ordinance was passed providing for the compulsory registration of all Asiatics and their identification by means of fingerprints.<sup>4</sup> This started the first public demonstration of Gandhi's policy of passive resistance. The law was an application to the Indians of regulations which required all Natives (i.e. Bantu) outside the reserves, to carry identification passes.<sup>5</sup> If any Indian failed to register he could be imprisoned, fined or deported from the Transvaal. Any Indian apprehended without a certificate would be similarly treated, no matter how wealthy or how important he might be. Then, too, the ordinance allowed a police officer to question a woman in the street, enter her home and ask for her registration documents. This was particularly offensive to Indians as their women were usually quite uneducated according to Western stan-

<sup>1</sup> Lord Milner, in this letter, was referring to the Transvaal where the Indians had gone of their own accord, and not to Natal, where the situation was different. cf. Calpin, G. H., *Indians in South Africa*, 1949, p. 29.

<sup>2</sup> The hopelessness of the situation was very evident to the authorities in India, who pleaded that Indians in South Africa have nothing whatever to do with the Transvaal, Calpin, *ibid.* p. 62.

<sup>3</sup> Calpin, op. cit. p. 62.

<sup>4</sup> Ordinance 29 of 1906.

<sup>5</sup> As far as Africans are concerned, this system is still in operation.

dards, and mostly still living in purdah.<sup>1</sup> 'If anyone came forward to demand a certificate from my wife', exclaimed an irate Indian at a preliminary committee meeting attended by Gandhi, 'I would shoot him on the spot and take the consequences.'<sup>2</sup>

At a mass meeting in the Imperial Theatre in Johannesburg in September 1906, Indians were asked to undertake that they would not comply with these registration provisions, and to take a religious oath that they would adhere to this undertaking. Gandhi warned them that it would not be enough merely to pledge themselves to resist the ordinance, but that each one must be prepared to 'be true to his pledge even unto death no matter what others do'.<sup>3</sup> Everyone rose, raised his hand and swore not to obey the proposed Registration Ordinance. This was the beginning of Gandhi's peculiar political weapon 'Satyagraha'. Its essence is that the resisters offer no violence<sup>4</sup> but submit to arrest and punishment without any opposition and, as far as possible, without any feeling of anger against their oppressors. This is only possible when strong religious conviction inspires the resisters. Gandhi insisted that it would not only tend to the spiritual enlightenment of the resisters, but that it would also soften the hearts of the oppressors when they saw the suffering willingly endured. In the long run, he hoped it would tend to a reconciliation between dissenting parties, whereas acts of violence increased bitterness and tended to make the division deeper. Very soon after the meeting in the Imperial Theatre, the Transvaal Government excluded women from the effects of the new ordinance. But whether this was a result of the mass meeting is not known.

At this juncture, Gandhi paid a hurried visit of six weeks to England with the object of inducing the British Government to withhold its consent to the Indian Ordinance in the Transvaal. He addressed a meeting of members of parliament in the committee room of the House of Commons, which included Dadabhai Naoroji, an Indian elected by Central Finsbury as a member of the British Parliament. He made many friends in England and during the voyage back to South Africa he received a cable saying that the British Government would not sanction the bill. When he arrived in South Africa, however, he found that the Transvaal would cease to be a Crown Colony on 1 January, 1907, and that thereafter the control of the British Government over the Transvaal would be much modified. As a result of its newly-granted independence, the Asiatic Law Amendment Act was passed by the new responsible

<sup>1</sup> In accordance with Muslim custom, which has also spread to some sections of the Hindu community of Indians, respectable women usually remain in the seclusion of the house and only appear in the streets veiled and with an escort. They do not meet or speak to strange men at all.

<sup>2</sup> Fischer, Louis, *Life of Gandhi*, 1951, p. 90.

<sup>3</sup> *Ibid.*, p. 91.

<sup>4</sup> Gandhi had arrived at these conclusions as a result of his study of the *Bhagavad Gita*, of Tolstoy's writings, and also of the Sermon on the Mount.

government of the Transvaal on 1 July 1907.<sup>1</sup> This was an exact copy of the disallowed 1906 ordinance.

Some of the Indians, including Gandhi, carried out their project of passive resistance to the Act and were sentenced to two months' imprisonment. By 29 January, 1908, the number of passive resisters in gaol had risen to 155. Gandhi spent his time in prison reading the Gita, and the Koran, Ruskin, Socrates, Plato, Tolstoy, and Carlyle. These studies were, however, interrupted by a visit from Albert Cartwright, a leading Johannesburg journalist, who came with a proposal from Jan Christiaan Smuts, then Colonial Secretary in the new Transvaal Government in January, 1908. Smuts' proposal was that the Indians should register voluntarily when the 'Black and Murderous Act', as the Indian Registration Act was called, would be repealed.<sup>2</sup> On 30 January, the Johannesburg Chief of Police personally conducted Gandhi to Pretoria for an interview with Smuts. They had a long talk which culminated in an understanding that if the Indians registered voluntarily, the Act would be repealed. According to Gandhi, Smuts said: 'I could never entertain a dislike for your people. You know I too am a barrister. I had some Indian fellow students in my time. But I must do my duty. The Europeans want this law.'<sup>3</sup> At the end of the interview Smuts assured Gandhi that he was now free and that the other prisoners would be released the following morning. Gandhi, himself, soon afterwards registered voluntarily, but there was a great deal of opposition among the Indians, particularly among the Pathans, who are a notoriously warlike and aggressive section of the Indians. When Gandhi went to register he was actually attacked and kicked by a crowd of Pathans so seriously that he was ill for ten days afterwards. During these ten days he was cared for by the family of the Rev. Doke, a European Baptist Minister.<sup>4</sup>

Unfortunately, the promise was broken and the 'Black Act' was not repealed.<sup>5</sup> The Indian community was roused to further action. A meeting was called at the Hamidia Mosque in Johannesburg on 16 August 1908, and 2,000 registration certificates were burned as a protest.<sup>6</sup> Gandhi from his office in Johannesburg proceeded to organize the resistance. Large sums of money were contributed to the movement both by Europeans and Indians, and many Europeans

<sup>1</sup> Acts 2 and 5 of 1907. See Joshi, *op. cit.* pp. 63-4 for further discussion of these Acts.

<sup>2</sup> Act 15 of 1907. Fischer, *op. cit.* pp. 95-7. It is interesting to read Smuts' account of this episode in his biography by his son, *J.C. Smuts*, Cassell & Co., 1952, pp. 103-105.

<sup>3</sup> Fischer, *Life of Gandhi*, *op. cit.* p. 96.

<sup>4</sup> Mr. Doke's son subsequently became an authority on Zulu orthography and became Professor of Bantu Studies at the University of the Witwatersrand.

<sup>5</sup> Again the account in Smuts' biography, p. 105, is interesting.

<sup>6</sup> Indians in the Transvaal still have to carry an Asiatic Registration Certificate.

visited Gandhi to express their sympathy. Among these were Henry S. M. Polak, Herman Kallanbach, a wealthy Johannesburg architect, and others. Gandhi's next move was to organize a breach of the law which prohibited the movement of Indians from Natal into the Transvaal.<sup>1</sup> This group was headed by Gandhi's eldest son Manilal. They were arrested at Volksrust in October 1908 and sentenced to three months' imprisonment. Gandhi also was arrested and placed in the Volksrust prison with 75 other compatriots. He undertook the cooking, and when the warden wanted two men to clean latrines, Gandhi volunteered. He was willing to accept any suffering or degradation in order to soften the hearts of his oppressors. Soon after serving his prison sentence, he found the Indian community faced with another danger—the plan for the union of South Africa, which would set up a much stronger government for the whole of South Africa, and one which would be equally hostile to the Indians. Before, however, we go on to discuss Gandhi's reaction to the movement for South African union, we must turn back and note briefly some other events in Gandhi's life which affected the Indians in South Africa, during the years 1897–1909.

During the Zulu Rebellion of 1906, in Natal, Gandhi again offered the services of an Indian Ambulance Corps, and served for some time in collecting and caring for wounded Zulu prisoners. The Indians sometimes marched forty miles per day to carry out their duties. On another occasion he volunteered to nurse the Natives in a Johannesburg location during an outbreak of bubonic plague. Meantime, his character was undergoing a still further spiritual development.

We have seen that when Gandhi landed in Natal in 1903 he wore European dress and at that time he and his family lived in European style, using chairs, tables, knives and forks. His reading of Ruskin, Tolstoy, Thoreau and various Indian philosophers convinced him, however, that one of the conditions of spiritual development was an extreme simplicity of life and he, therefore, began to live in the same way as the poorer Indians. He changed his European dress for the dhoti and cloak. It was a curious sight to see this gaunt, wiry little man dressed like the poorest Indian, travelling through Natal with his English secretary equipped with a typewriter and files of papers. He also, at this time and with the consent of his wife, took a vow of perpetual chastity, and he felt himself free to endure whatever might be necessary in order to fight the South African Government.

Partly to carry out these ideals and at the same time to afford a refuge to Indians who got into difficulties as a result of their defiance of the government, he took two farms, one at Lawley in the Transvaal in which he was helped by his friend Mr. Kallanbach, and one at Phoenix in Natal. The inhabitants were to live as one large family, each of them contributing as best they could to the

work of the settlement which was, as far as possible, to be self-supporting. The Lawley settlement was given up after a few years. The Phoenix settlement, however, continued, although very much changed in character, under the trusteeship of Gandhi's son, the late Manilal Gandhi. It was at Phoenix too, that he began his weekly paper, *Indian Opinion*, in 1903, which he used as a vehicle for the expression of his policy, his criticism of the government, and his leadership of the Indians.

We can now return to the final chapters of Gandhi's agitation in South Africa and the occurrences which led up to the Smuts-Gandhi Agreement of 1914, one of the landmarks of the history of Indians in South Africa. Gandhi felt that the establishment of a single government for the whole of South Africa would be a menace to the Indians in South Africa, unless the policy of the Europeans with regard to the Indians could be changed. He therefore addressed himself with great energy to this task.

Already, new Acts had been passed which showed the way in which events were moving. Steps, for instance, were taken in Natal to tighten up the regulations with regard to Indian traders—a new licensing act, the Dealer's Licences Act of 1908, was passed which gave the licensing officers power to refuse application for licences without giving reasons. It was understood that the purpose of the Act was to reduce, if not to extinguish, Indian trading. Gandhi again took steps to call the attention of India to the situation and in 1909 the Indian National Congress at its meeting in Lahore called for the prohibition of the recruitment of Indian labour for Natal. The position was endorsed by the Indian Government and finally, in 1911 indentured immigration to Natal was stopped.<sup>1</sup> Gandhi's fears for the future of Indians in South Africa in the event of Union were soon to be justified by the introduction of the Union bill dealing with the Asiatic immigration and limiting the rights of the Asiatics to enter and settle in the Union. Indians were not mentioned specifically in the bill, but it was obviously directed against them.

Gandhi went to England in 1909 to point out to the Liberal Government the apprehensions of the South African Indians in view of the proposed union of the four provinces. There he expressed his abhorrence of the imposition on Indians of an inferior racial status and asked that all legislation implying an inferior status for Indians be repealed. His efforts to safeguard Indian interests failed, the Union of South Africa was formed but the pre-Union colonial anti-Indian laws at first remained in operation. He then proceeded to India where again he aired the grievances of the Indians in South Africa, and suggested to a leading Indian politician, the Hon. Gopal Krishna Gokhale, that he should visit South Africa.

Gokhale came to the Union in 1912 and spent a month travelling through South Africa. As he was an important Indian politician,

<sup>1</sup> This was followed by the total prohibition of indentured labour to any area in 1917, largely owing to the representations of Rev. C. F. Andrews.

<sup>1</sup> This law was known as the Immigration Registration Act of 1908.

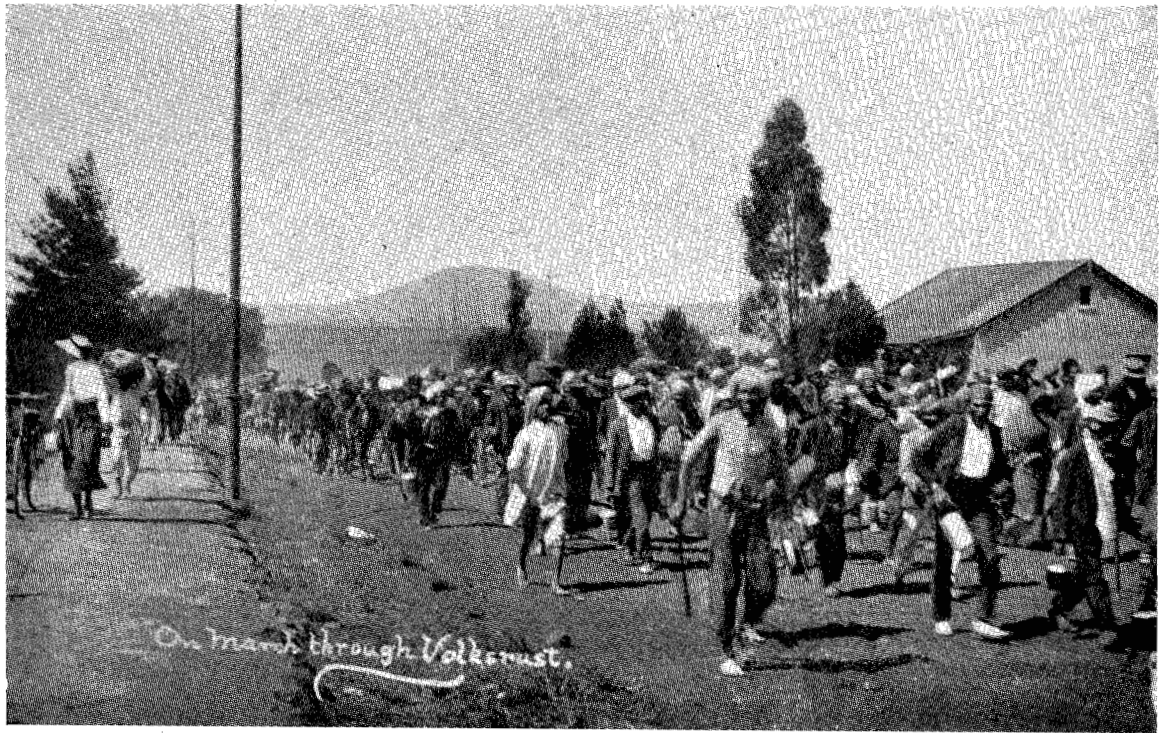
he was greeted by the Indians with great enthusiasm. He had a special train from the Transvaal boundary to Johannesburg and stopped in every town for a meeting, over which the local mayor presided, while the station in Johannesburg was elaborately decorated for his arrival by the Indians. By the Europeans, too, he was greeted with courtesy and ceremony. Olive Schreiner and her husband welcomed him, and in Pretoria the Government entertained him. He naturally saw a great deal of Gandhi, and subsequently said at a public meeting in Bombay in December 1912: 'Gandhi has in him the marvellous spiritual power to turn ordinary men around him into heroes and martyrs.'<sup>1</sup> Gokhale ultimately had a two hour interview with Generals Botha and Smuts, who were now the leaders of the Union Government as Prime Minister, and Minister of Mines, Defence, and Interior, respectively. After this conference, Gokhale announced to Gandhi that the discrimination in the Immigration Act would be removed, the 1908 Registration Act would be repealed, and the £3 annual tax on the indentured labourers who elected to remain in South Africa would be abolished. Gandhi refused to believe this, and unfortunately he proved to be right. When distinguished Indians visit the Union they are usually well treated by the government and the European population. These courteous actions, however, make very little difference in the general treatment of Indians resident in South Africa. Events very soon proved that Gandhi had a very much better grasp of the situation than had Gokhale.

Smuts announced in the House of Assembly that the Europeans in Natal would not permit the lifting of the £3 annual tax and that he could not take action against the overwhelming European public opinion in that province. This led to a renewal of civil disobedience, and very shortly afterwards another grievance was added to those already existing. On 14 March 1913, a judge of the Cape Supreme Court gave a decision that only Christian marriages were legal in South Africa and that rites carried out under a religion which recognized polygamous marriages were illegal.<sup>2</sup> This reduced large numbers of Indian women to the status of concubines and raised great indignation among the women themselves, so that they too began to participate in large numbers in the Satyagraha campaign.

In 1913 events moved fast. A group of women volunteers crossed the boundary from the Transvaal into Natal, while simultaneously a group of Natal 'sisters', as Gandhi called them, were preparing to cross from the Natal border into the Transvaal. The

<sup>1</sup> Fischer, *Life of Gandhi*, op. cit. p. 125.

<sup>2</sup> Polygamous marriages are only recognised by Muslims. Hindu religious custom and belief regard the marriage contract as very binding, divorce is not recognised and in some districts a second wife may be taken only if there is no male issue, and then with the consent of the first or present wife. This does not of course exclude the presence of concubines.



The march to the Transvaal



The Rev. C. F. Andrews

Natal contingent was arrested and imprisoned, a proceeding which gave rise to great indignation. The Transvaal contingent, however, was not arrested and they proceeded to the Newcastle coal mines and persuaded the Indian miners to go on strike. The government then arrested the women with the result that the miners' strike spread. The miners lived in houses belonging to the mining companies, who cut off their water and light. On Gandhi's advice, they moved outside their compounds, slept on the veld and were supplied with food, cooking and eating utensils by Newcastle Indian merchants. Some 4,000 strikers from the mines were assembled and were joined by many contingents from other areas. They finally joined the passive resisters and took part in a march into the Transvaal in protest against the £3 tax. They reached the border and the Indian merchants of Charlestown, on the Natal side, again contributed rice, utensils and kitchen equipment. Gandhi himself did the cooking and distributed the food.

On 6 November 1913, they crossed to Volksrust, one mile on the other side of the border. The Volksrust Europeans had already held a meeting at which several whites had declared their intention of shooting any Indian who intended entering the Transvaal. Gandhi's European follower, Kallanbach, was challenged to a duel. He would probably have been victorious as he was an eminent wrestler and pugilist. Kallanbach, however, had adopted Gandhi's principle of non-resistance and he refused the challenge, explaining that the Indians had no intention of injuring anyone either in person or property, or of staying in the Transvaal. Their march was staged solely as a protest against the unjust restrictions imposed on them. He concluded by saying: 'They propose to melt, and I know they will melt your hearts, by self-suffering.'<sup>1</sup> In the end, there was no fighting and the Indian marchers proceeded on their way. Gandhi was arrested eight miles beyond Volksrust.

He was brought before the magistrate, who released him on bail and he returned by car to the head of the marching column. On the morning of 10 November, at Balfour, the authorities had three special trains to convey the Indians back to Natal, but it was only through the co-operation of Polak and some other European sympathizers that the Indians were persuaded to end their march and enter the trains. Polak was thanked by the authorities for his services and was then arrested and taken back to Volksrust. Gandhi with his other European followers was subsequently brought before a magistrate's court. All pleaded guilty. The magistrate, however, refused to convict on a plea of guilty and insisted on witnesses being brought forward. Gandhi, therefore, gave evidence against Kallanbach and Polak, and Gandhi and Kallanbach against Polak. The magistrate reluctantly sentenced each of them to three months' hard labour in the Volksrust prison.

<sup>1</sup> Fischer, *Life of Gandhi*, op. cit. pp. 128-9.



The striking miners, however, found themselves in a much worse predicament. They were taken back to the mines, and herded into wire-enclosed structure in an endeavour to force them back to work. This harsh treatment led to further sympathetic strikes in other parts of Natal. There were strikes on the sugar estates leading in some cases to bloodshed, and in the towns many Indian workers went on strike. For some days, the Durban hotels were without Indian cooks and waiters. The Indian municipal employees ceased to work and washerwomen and vegetable 'sammies' remained at home. Europeans had to do without vegetables and do their own washing.<sup>1</sup> These sympathetic strikes did not last long, but they made a profound impression on both the government and the general public.

The Government of India was also much affected by these demonstrations and the Viceroy of India, Lord Hardinge, said in a public speech: 'Your compatriots in South Africa have taken matters into their own hands by organizing what is called passive resistance to laws which they considered invidious and unjust. They have the sympathy of India—deep and burning—and not only of India, but of all those who like myself, without being Indians themselves, have feelings of sympathy for the people of this country.'<sup>2</sup> Money poured into South Africa from India and to a lesser extent from sympathizers in Great Britain. Gokhale sent C. F. Andrews<sup>3</sup> to South Africa to help the cause of the Indians. Obviously the government was perturbed by the volume of passive resistance—Smuts said on one occasion: 'We cannot support 10,000 Indians in prison'—and also by the protest overseas.

Finally, the Union Government appointed a commission usually known as the Solomon Commission, from the name of its chairman, to investigate the cause of the trouble and to make recommendations to the government. One of the many objects of the commission was to investigate the cases of shooting and maltreatment of Indians who were on strike, but Gandhi, following his policy of never asking for vengeance on the oppressors of the Indian community, refused to give evidence. He also objected to the composition of the commission. He had asked for a Royal Commission appointed by the British Parliament which should include some Indians and some Europeans from outside South Africa, but the commission appointed consisted only of South African Europeans. The Indians, therefore, refused to give any evidence—a policy which was to be followed years later when the government appointed a commission to enquire into the 1949 Durban riots.<sup>4</sup>

<sup>1</sup> Solomon Commission, op. cit. pp. 4-10; Calpin, op. cit. pp. 34-5; Joshi, op. cit. pp. 71-4.

<sup>2</sup> Joshi, op. cit. p. 73.

<sup>3</sup> See note on C. F. Andrews, p. 99-101.

<sup>4</sup> See Chapter VII for full discussion of this episode.

Gandhi's action in this matter may be the action of a saint, but one wonders if it was the action of a statesman. Might it not have been wiser, notwithstanding the limitations of the commission, to accept the opportunity given them by the government to air their grievances? The commission complained very bitterly of this action, but the Indian Government had sent over Sir Benjamin Robertson, a distinguished Indian civil servant, to watch proceedings and to present the Indian Government's point of view. Through his assistance the commission was able to get some statements representing the Indian point of view. They had already recommended the release of Gandhi, Polak, and Kallanbach, and they were accordingly set free on 18 December 1913, but Gandhi remarked: 'All three of us were disappointed in our release.'

Meanwhile, the commission got to work as best it could. In some ways, it was undoubtedly a worthwhile commission. It stated that many of the Indian grievances were exaggerated or brought on by their own action. It enquired particularly into the clashes that had taken place between the police and the strikers, and asserted that on two occasions the use of firearms was amply justified, and 'they were not brought into use a moment sooner than was necessary'.<sup>1</sup> In their discussion about the general causes of the disturbances, however, they gave greater weight to the Indian case. Gandhi had summarised in a letter to the commission<sup>2</sup> the points on which relief was sought. They were: (1) The Orange Free State question (i.e. the refusal of the Orange Free State to permit any Indians to settle in that area); (2) the Cape Colony question (i.e. the prohibition, for the first time, of the entry of Indians into the Cape, by an Act of the Union Parliament); (3) the marriage question (a) the legality of Indian marriages celebrated in the Union; (b) the right of Indians domiciled in the Union to bring in their wives and children from India. Gandhi urged that the entry of wives and children should be permitted;<sup>3</sup> (4) the repeal of the £3 tax; (5) an assurance that existing laws especially affecting Indians would be administered justly and with due regard to vested rights.

With regard to the marriage question, the commission was sympathetic and recommended that non-polygamous marriages should be registered by the immigration officers in each province,<sup>4</sup> and that most of the demands made by Gandhi on this matter be recognized. They unhesitatingly recommended the abolition of the £3 tax. They also dealt with a number of minor questions recommending that a qualified Indian interpreter be attached to magis-

<sup>1</sup> Solomon Commission, op. cit. p. 9.

<sup>2</sup> Ibid. p. 13.

<sup>3</sup> It is this point in the Smuts-Gandhi Agreement that has recently been abrogated by the present Government. Obstacles have been placed in the way of a number of Indian women coming to Durban from India to join their husbands. The legality of this prohibition is open to grave doubt.

<sup>4</sup> Solomon Commission, op. cit. p. 37.

trates' courts, and that only impressions of the thumb and not of the whole five fingers should be required on identification certificates. They took the view that the grievances in respect of the licensing laws were exaggerated.

The findings of the Solomon Commission then formed the subject of a prolonged correspondence between Smuts and Gandhi, supplemented by interviews between the two protagonists. Smuts, who had previously refused on various occasions after the interview in 1908, even to see Gandhi, became greatly impressed with his imperturbability and disinterestedness. It is said that they followed their political discussions with discussions on philosophy, in particular on Kant's *Critique of Pure Reason*. In the end they reached an understanding.

An agreement known as the Smuts-Gandhi Agreement was drawn up and enshrined in a series of letters. In accordance with the agreement, Smuts introduced the Indian Relief Act of 1914. This Act abolished the £3 tax and cancelled all arrears. It settled the marriage question by recognising Hindu, Mohammedan, and Parsee marriages and also provided for the admission of the wives and children of Indians domiciled in the Union. The Minister could provide free passages to Indians and their families wishing to return to India. However, it did not grant freedom of movement from one province to another, prevented Indians from holding land in the Transvaal, and maintained the right of the Orange Free State to exclude any Indian settlers; but Indians born in South Africa before August 1913 were allowed to enter the Cape Colony.<sup>1</sup> This Act was a compromise, not entirely satisfactory to either side; it certainly did not in any way justify Smuts' expressed hope that all causes of friction between Indian and European communities in South Africa were now removed, but it did relieve the worst of the grievances, and to a large extent, it embodied Gandhi's policy that there should be no racial discrimination against Indians as such. Having achieved victory through this policy of passive resistance, Gandhi left South Africa for ever. He sailed for England on 14 July 1914, accompanied by Mrs. Gandhi, and shortly afterwards returned to India to begin his much greater and more important career as a politician and popular leader, putting into operation on a wider scale the principles of political opposition and agitation which he had first conceived and developed in South Africa.

We may note in conclusion, that the friendship between Smuts and Gandhi continued through the rest of their lives. Just before leaving South Africa, Gandhi sent Smuts a pair of sandals which he had made while in prison, and Smuts wore them thereafter for many summers on his farm. He returned them to Gandhi in 1939

<sup>1</sup> Indian Relief Act, No. 22 of 1914, found in *Revised Statutes of the Union of South Africa*, 1913-1916, Vol. II.

on Gandhi's 70th birthday. Smuts was also asked to contribute to a memorial volume, which was issued to celebrate the birthday of the great leader. While describing himself as an opponent of Gandhi in their early association, he went on to state that men like Gandhi 'redeem us from a sense of commonplace and futility and are an inspiration to us not to weary in well-doing'.

CHAPTER V  
ANTI-ASIATIC AGITATION  
1915-1926

**B**ETWEEN the time that Gandhi left South Africa, in July 1914, and 1919, not many events of great importance occurred in relation to the Indian inhabitants of Natal. The Smuts-Gandhi Agreement removed a number of causes of irritation, but it left the fundamental problem of the position of Indians in South Africa still unsolved. However, the beginning of the First World War in 1914 diverted attention for the time being from the Indian problem and gave the Indian community in South Africa a certain breathing space.

During the 1914-1918 War the Indians of South Africa, along with their brothers from India itself, rendered great service both in manpower and monetary gifts to the Allied cause.<sup>1</sup> In 1917 General Smuts paid high tribute to the Indian troops (those from South Africa as well as India) who had served under him: 'I think the young South Africans who went with me, who fought side by side with those heroes from Asia, today have more kindly feelings than they had before towards the Indian population of South Africa.' In 1917 India was accorded the first formal equality of status with the Dominions, and when the first Imperial War Cabinet met in London in that year with India represented, Smuts and others hoped that since she could now participate in Empire discussions it would be possible to find a solution to the South African Indian question.

The main event during this period in South Africa was the cessation of indentured Indian immigration. We have already seen how this was proposed as a result of the indignation against the treatment of Indians in Natal, and was finally adopted by the Indian Government in 1911. The result of this was that the final indentures were worked out during the War, and from 1911 onwards no further indentured Indian immigrants came to South Africa. The European community in Natal, on the whole, accepted the change without protest. There were some suggestions as to the desirability of finding an alternative source of labour, but in the end nothing was done and the planters adapted themselves to the new system. Trade

<sup>1</sup> Captain Dunning reported in 1916 that 289 Indians had been recruited in that year for service in the Indian Bearer Corps, 'which body is doing such excellent service in German East Africa'. Report of Protector of Indian Immigrants, Natal, 1916, para. X.

was good at the time as a result of the war, and the transition from indentured labour to free labour was accomplished without too many difficulties. It did, however, profoundly affect the economic position of the Indians. Even before the last indentures were worked out, wages had begun to rise. The Protector of Indian Immigrants stated in 1916:<sup>1</sup> 'The great majority of Indians employed now being "free" they are at liberty to cease working on giving a month's notice, when so engaged, so that in case of disagreement with those in authority they can leave in a short time and are often allowed to do so at once. . . . One great ruling factor is the supply is not equal to the demand and that the employee is in a sense the master of the employer.'

In 1915, the ruling rate of wages for men on the sugar estates had risen to 35s. a month together with rations, which usually consisted of 8 lb. of rice, 10 lb. of mealie meal weekly, with supplies of dholl, ghee, and salt, and quarters which were generally very unsatisfactory.<sup>2</sup> Later on wages increased even more, and by 1923 ordinary wages were 40s. a month with food, housing, medical attention and medicines. Indians were working in decreased numbers in the cane fields, but were employed in the sugar refining mills—some of the more skilled were earning as much as £7 a month.

It would not, however, be correct to attribute this increase in wages solely to the cessation of immigration. It must be remembered that war inflation was going on and that, on the one hand, the cost of living was rising and on the other, the sugar mills were making considerable profits. Under these circumstances, the rise in wages was effected with less friction and difficulty than might have been expected, even although the employers had to meet increased charges for the ration supplied, such as rice and mealie meal. The price of rice had risen and was £3 or £4 a bag as against the pre-war price of 20s. 11d.<sup>3</sup> As a result of this and owing to the difficulties of importing rice, the Indians had been compelled to accept rations consisting partly of mealie meal which was cheaper. In this case, the difference in price was 30s. per muid<sup>4</sup> as against the pre-war price of 10s. 6d. Further, the employers, with the object of attracting labour, were forced to improve the general conditions on the estates, providing rather better housing accommodation, though still not a very satisfactory kind, along with other amenities.

<sup>1</sup> Report of Protector of Indian Immigrants, Natal, 1916, para. 7.

<sup>2</sup> Report of Protector of Indian Immigrants, Natal, 1915, para. V.

<sup>3</sup> Report of Protector of Indian Immigrants, Natal, 1917, para. IX.

<sup>4</sup> A muid = 3 bushels. A muid is a South African measure embodied in the Weights and Measures Act No. 32 of 1922, which allowed the optional use of Imperial metric standards.

Another pleasing feature in the position of the Indian was the decline on the one hand of the number of desertions, and on the other of assaults by employers. Only 31 convictions of Indians prosecuted for absence from work were recorded in 1918, and no cases of complaints of assault by employers.<sup>1</sup>

After the indentures were worked out, very few accepted re-indenture except on a few estates which were known to treat their Indians well. One of these was Messrs. Hulett's estates where the Indian labourers were so satisfied that they simply re-indentured year after year.

Another problem connected with the war was the difficulty Indians experienced in sending remittances to India. In particular they found it hard to understand the rise in the value of the rupee<sup>2</sup> and the prohibition of the export of gold. In many cases they endeavoured to smuggle gold out of the country—one notable instance of this was gold concealed in the crown of a top hat.

For the first time Natal became aware of the emergence of a class of colonial born Indians, although this development had been in operation from the time when the first Indian immigrants produced families in Natal.<sup>3</sup> The Protector of Indian Immigrants stated in 1920: 'There is an ever increasing tendency for the colonial born Indian to be attracted to the larger towns and suburbs for employment which is more to his taste than work on a farm or estate, and quite a number are employed in very lucrative work and is (*sic*) likely to increase.'<sup>4</sup> Thus Indians were being attracted to the towns by the offer of employment in the new industries which were just beginning.

There were some attempts at repatriation which had been provided for in the Indians' Relief Act No. 22 of 1914 which for the first time offered inducements for voluntary repatriation. A special officer was ultimately appointed in charge of the voluntary repatriation scheme, and a certain number were repatriated. For instance, 3,199 left South Africa in 1920 and 2,699 in 1921.<sup>5</sup> But at no time was the number of repatriates sufficient to reduce the Indian population, the birth rate being always sufficient to keep up the size of the population. The birth rate continued to increase, and for the year 1916 was over 51 per 1,000, a much higher figure than the European birth rate. This rising Indian birth rate was due to the

<sup>1</sup> Report of Protector of Indian Immigrants, Natal, 1916.

<sup>2</sup> From 1916 onwards the value of the rupee fluctuated considerably on account of the unsettled state of international finance at the time. Finally in 1926 its value was stabilised at 1s. 6d. See also Report of Protector of Indian Immigrants, Natal, 1917-18, para. 8.

<sup>3</sup> The percentage of the Asiatic population born in India decreased from 35 in 1921 to 9 in 1946, while the percentage born in the Union increased from 63 to 89.

<sup>4</sup> Report of Protector of Indian Immigrants, Natal, 1920, para. V.

<sup>5</sup> Report of Protector of Indian Immigrants, Natal, 1921, para. VIII.

fact that the disproportion between the sexes which had been so marked a feature of the earlier years, gradually began to disappear as soon as immigration ceased. It will be remembered that women were imported into Natal in the proportion of 40 women to every 100 men. On 31 December 1911 (the year in which the Indian Government decided to stop Indian immigration), the percentage of the Indian women was 46 of the Indian population in Natal, while on 31 December 1916, this had risen to 52 per cent.<sup>1</sup>

To sum up, during the decade 1910 to 1920, the position of the Indian changed from that of a serf who had to be kept to his work by force, was liable to prosecution if he deserted, and was occasionally subject to assault from his employer, to that of an ordinary wage labourer. In the new situation, if there was dissatisfaction between an employee and an employer, the employer's remedy was to discharge him, while that of the employee was to give notice and find work elsewhere. This was, of course, a very great change for the better, even although the labourer's position was still, notwithstanding all the ameliorations, one of very great poverty.

Some Indians were, however, finding employment in better paid occupations. In 1921 there were about 20 interpreters (all colonial born) employed in the provinces receiving salaries of £180 to £240 per annum, while other Indians were filling positions as clerks.<sup>2</sup> It was estimated that at least 5,000 Indians were employed in Durban, the majority being colonial born. It is interesting to note that the descendants of the indentured immigrants did not seem to have any success as traders up to this time.<sup>3</sup> The trading Indian comes from the class of free immigrants, commonly, but erroneously, called 'Arabs' in Natal. The Indian merchants did well during the First World War and in some cases had amassed considerable fortunes. However, even as early as 1916 the Protector of Indian Immigrants reported that the savings of each immigrant were steadily increasing from an average of £8 5s. 3d. in 1907 to £19 10s. in 1916. In one district a man died leaving £70,000; two other estates of £10,000 and £5,000 each were reported, with a further four estates of £4,000, ten of £1,000 and six of £500. In another district 23 Indians had assets amounting in all to £108,000.<sup>4</sup>

This state of prosperity and tranquility was not destined to last for very long. Immediately after the war, in 1919, hostility towards the Indians again showed itself, most noticeably in the Transvaal. It will be remembered that as a legacy from the days of the South African Republic, Indians in the Transvaal suffered various disabilities which did not exist in Natal. They were, for example,

<sup>1</sup> cf. Woods, C. A., *The Indian Community of Natal*, 1954, pp. 1-6; also Report of Protector of Indian Immigrants, Natal, 1916, para. II: Births.

<sup>2</sup> Report of Protector of Indian Immigrants, 1921, para. 13.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

prevented from owning land and there were laws known as the Gold Laws, against their living outside certain specified areas.<sup>1</sup> These laws, however, had never been rigorously enforced and in 1916 the Supreme Court had declared that there was nothing in the laws to prevent a private company consisting entirely of Asiatic shareholders from owning land in the Transvaal.<sup>2</sup> This provided for the Indians an easy evasion of the land-holding restrictions directed against Asiatics, and naturally numbers of Indians availed themselves of this opportunity. By March 1919, land owned by Indian companies was somewhat under half a million morgen.<sup>3</sup>

Fierce anti-Asiatic feeling developed in the Transvaal and incidents occurred in many parts of the province. For instance, early in 1919, the Krugersdorp Municipal Council<sup>4</sup> despairing of what it regarded as satisfactory action on the part of the government, took matters into its own hands. A firm, Messrs. T. W. Beckett and Company, had leased rooms to certain Indians on a stand in Krugersdorp. The Town Council applied and obtained an interdict from the Supreme Court of Pretoria restraining the Company from such action. It was partly as a result of this that a congress was held in Pretoria in September 1919, for the purpose of submitting resolutions dealing with the 'Asiatic menace' and forming an organization to combat it. It was attended by representatives of 26 municipalities of the Transvaal, 20 chambers of commerce, 9 agricultural societies, 12 churches, 40 trade union and other bodies. At this congress, the South Africans' League was formed under the chairmanship of Mr. L. J. Phillips of Krugersdorp. Arrangements were made for opening branches in various towns in the Transvaal. The congress organized a deputation to wait on the Minister of the Interior to lay its anti-Asiatic grievances before him. The matter was referred to a select committee which was already investigating the subject of land ownership and the issue of trading licences to Asiatics in the Transvaal.<sup>5</sup> The proceedings of this select committee finally resulted in the passing of Act No. 37 of 1919<sup>6</sup> which had only two sections: the first protecting the interests of the Indians already trading in the Transvaal, and the second accepting the proposals to restrict the right of Indians, either as companies or as individuals,

<sup>1</sup> Law No. 3 of 1885 forbade Indians to own fixed property except in special streets, wards and locations specially assigned by the government for the residence of Asiatics. Under Ordinance 17 of 1905 the local authority set aside municipal Asiatic locations or bazaars for the occupation of Indians. cf. *Report of Asiatic Inquiry Commission*, U.G. 4, 1921, pp. 12-27.

<sup>2</sup> *Ibid.*, U.G. 4, 1921, para. 79, pp. 20-1.

<sup>3</sup> A morgen is a South African measure and equals 2½ acres.

<sup>4</sup> *Ibid.*, U.G. 4, 1921, para 87, p. 22.

<sup>5</sup> *Ibid.*, U.G. 4, 1921, para. 87, p. 22.

<sup>6</sup> This came into operation on 1 May 1919. The Transvaal Asiatic Land and Trading Amendment Act of 1919.

to own fixed property. This Act, however, satisfied neither side. The Europeans wanted the rights of Indians still further restricted, while the Indians regarded the Act as an infringement of the Smuts-Gandhi Agreement of 1914 which had stated that the vested rights of Indians would not be interfered with. Furthermore, the Companies Act<sup>1</sup> which was amended by this legislation of 1919, had been passed before that Agreement. As a result of the proposed new legislation, the Transvaal British Indian Association interviewed the Governor-General, Lord Buxton, requesting him to withhold his consent to the bill which had already been passed by both Houses of Parliament. His Excellency was, of course, unable to agree to this proposal, though he recognized the validity of their objections. The Indians then founded the South African Indian Congress which held its first meeting in Johannesburg in 1920 to protest against the Act of 1919. They also communicated with Britain and India, where responsible public opinion was shocked at the inconsistency of the South African Government; the Secretary of State for India, the Rt. Hon. E. S. Montague, was in strong sympathy with their grievances.

Throughout South Africa in this year and the next, anti-Asiatic agitation increased in volume and strength. It finally resulted in the appointment of the Asiatic Inquiry Commission to investigate the Asiatic problem in the Union of South Africa. The chairman was Sir John H. Lange, from whom the commission took its name. The Lange Commission is one of the minor landmarks in the history of Indians in the Union of South Africa. Much evidence was proffered by both sides, and the commission appears to have done its work with great care and impartiality.

The commission enquired into the position of Asiatics in all four provinces of the Union, not only in Natal and the Transvaal. It classified the main complaints of the European witnesses against Asiatic traders as follows:<sup>2</sup>

1. They send their money out of the country instead of spending it where they earn it.
2. They are a source of danger to the public health owing to their unclean habits, and require constant supervision to make them conform to sanitary and other by-laws.
3. They depreciate the value of property in their neighbourhood, as well as of the premises which they occupy.
4. Their standard of living is inferior to that of Europeans.

<sup>1</sup> The Companies Act, Act 35 of 1908, acknowledged the right of Indians to purchase land by forming companies. Therefore, the Act of 1919 obviously denied the assurance given in the Smuts-Gandhi Agreement that the vested rights of Indians would be protected.

<sup>2</sup> *Report of the Asiatic Inquiry Commission*, U.G. 4, 1921, para. 108, p. 30.

5. Their standard of trading and methods of business are different to those of Europeans in the following respects:
  - (a) They use inferior buildings as shop premises and pay less rent for them.
  - (b) The owner of the business and his shop assistants all usually reside on the premises.
  - (c) They defraud their creditors by fraudulent insolvency more frequently than Europeans.
  - (d) They pay lower wages to their assistants than Europeans.
  - (e) They evade the laws regulating the hours of trading.
  - (f) They habitually give short weight and adulterate food-stuffs.
  - (g) They thus succeed in underselling European traders.
6. They carry on businesses which should be carried on by Europeans and close avenues of employment, which should be open to Europeans.
7. They produce nothing in the Transvaal and do not consume the produce of the country, but import their requirements from India.
8. They form 'rings' to keep out European competitors.
9. Their presence has a bad influence on the Natives, who are jealous of the rights and privileges enjoyed by them as coloured people.
10. Their religion, language, colour, mode of thought, ideals, manners and customs are entirely different from those of Europeans; they cannot be assimilated and their presence is a menace to European supremacy.
11. They are generally immoral and debauch the Natives by inciting them to theft, and by readily receiving the stolen property.
12. They become too familiar with Europeans, especially females, in the conduct of their business, and thus destroy the respect of Natives for Europeans.

The Indian witnesses strenuously opposed these accusations. They said it was unfair to blame them for sending their money out of the country since they had to support their families in India who were not allowed to join them in South Africa. Those Indians living in the Transvaal were not allowed to invest their savings by acquiring land.<sup>1</sup> Their inferior mode of living they attributed to

<sup>1</sup> It should be noted that Mohammedans (and the majority of Indian traders in South Africa are Mohammedans) are still bound nominally at least, by the one Koranic Law which forbids the taking of interest. This increases their difficulties in investing money, and if they are forbidden to use their ordinary method of investment, i.e. the buying of land and the erection of buildings, they may find it hard to dispose satisfactorily of their savings. It is unknown, however, to what extent these Koranic precepts are followed in practice.

the obstacles placed in the Union on the free expenditure of their money. They could not attend theatres and other places of popular amusement. As for their lack of sanitation, that was certainly due to a large extent to the municipal authorities who neglected to make ordinary improvements in the Indian areas. The commission came to the conclusion that Indian shopkeepers paid their shop assistants lower wages than those in European businesses owing to the fact that they usually provided their assistants with board and lodging and sometimes with clothing as well. The commission took the view that they did undersell European traders to a considerable extent, but on the other hand, the value of Indian traders in outlying areas was stated by some farm witnesses to be considerable. It was asserted that the alien<sup>1</sup> European trader was far worse than the Indian. The latter it was said, was honest, sold at reasonable prices and was generous in extending credit.<sup>2</sup> Witnesses from other areas adopted a contrary opinion. The commission agreed with the view that the anti-Asiatic agitation in the Transvaal had been largely engineered by European traders.

Some of the Transvaal witnesses took an extreme attitude asserting that the continual influx of Indian traders, notwithstanding the cessation of Indian immigration, would ultimately dispossess the white men throughout the country and urged the compulsory repatriation of all Indians. They went so far as to say that such a step would be worth the sum of £50,000,000 which was calculated would have to be spent on the scheme, including compensation for the expropriation of rights. This extreme view was taken only by a few witnesses. Most of them realized that the proposal was impracticable and that the proposed sum of £50,000,000 would be inadequate.<sup>3</sup> The commission, under these circumstances, advocated voluntary repatriation by offering shipping and other facilities for those who were prepared to return to India.

The commission fully endorsed the complaint of the Indians that their locations were neglected. At Germiston, for instance, an Asiatic bazaar had been established about a mile out of town. 'This bazaar appeared to be in a very neglected and insanitary condition. The Indians residing in it complained that, as regards lighting, sanitary and other arrangements, their wants received little or no consideration from the Municipality. These complaints were fully confirmed by our inspection, in which we were accompanied by the Town Clerk and Location Superintendent.'<sup>4</sup> Much the same conditions prevailed at Boksburg in the older bazaar, though there was a new one not yet in proper use which the commission felt would be an

<sup>1</sup> The Commission did not explain what it meant by 'Alien'. The reference to 'alien European trader' in the Report was to the Jewish trader, but this was not made explicit in the Report. U.G. 4, 1921, para. 110, p. 31.

<sup>2</sup> Ibid.

<sup>3</sup> U.G. 4, 1921, para. 118, pp. 32-3.

<sup>4</sup> Ibid, para. 121, p. 33.

improvement. But the worst conditions were found at Vrededorp, a suburb of Johannesburg. The commission described the conditions here as appalling. 'It is difficult to conceive of a worse slum existing in any part of the world. We found the inhabitants crowded and huddled together in small hovels amidst indescribable filth, and leading a most insanitary mode of life. And this was the state of things existing within the Municipality of Johannesburg, the wealthiest and most populous town in South Africa, and within a little more than a mile of its magnificent Town Hall!'<sup>1</sup> It was in the Vrededorp district location that the outbreak of bubonic plague in 1904 began, which obliged the commission to admit: 'In the circumstances it is not surprising to find the Indian community pointing to these so-called bazaars or locations as examples of what may be expected, if they are to be relegated to such places at the behest of Municipalities in the Transvaal.'<sup>2</sup> It also pointed out that there were social grades among the Asiatics as among the Europeans. Certain Indian merchants, by their books and income tax receipts, showed that their individual incomes amounted to several thousands of pounds per annum. They carried on large businesses, both wholesale and retail, lived in well-appointed and well-managed houses in various parts of the town and their standards of living were quite equal to that of well-to-do Europeans. 'It seems monstrous, therefore, to suggest that these men, who have by their industry and commercial ability worked themselves up to such a position, should now be forced to remove into locations.'<sup>3</sup>

The commission succeeded in sorting out the mass of conflicting evidence, which resulted in a number of definite conclusions and recommendations. It discussed the question of repatriation at some length, and since this question is again under discussion at the present time, it is worthwhile to go into these views expressed thirty years ago since they are equally applicable to the situation to-day.

The commission pointed out that repatriation could not be undertaken without expropriation of property and adequate compensation, which might amount to the sum of £50,000,000 sterling or more. The taxation necessary to raise this sum would naturally be borne by the whole of the Union, but it was probable that the Orange Free State and Cape Province, with no considerable Indian population and no Asiatic trouble of their own, would strongly object to contributing to funds which would be expended for the benefit of the Transvaal and Natal. Approximately half of the Asiatics in Natal and a considerable number of those in the Transvaal were born in South Africa, and were, therefore, South African nationals. The demand for complete repatriation was described by the commission as futile and, indeed, during the course of the evidence even the ex-

tremists abandoned it. The commission concluded by saying: 'Compulsory repatriation of Asiatics may, therefore, be regarded as out of the question and need not be further discussed.'<sup>1</sup> It continued, however, to recommend voluntary repatriation, and the government immediately took steps in that direction without very much effect. The decision that repatriation on a large scale was impossible made it all the more urgent to find some other method of dealing with the Indians, the great majority of whom would remain in the country.

It was finally concluded that residential segregation of some sort was inevitable, and the commission ultimately decided to recommend residential segregation, though they admitted that the conditions of the locations, or so-called bazaars, set aside for Indians in the Transvaal and visited by the commission, did not inspire confidence in the general policy of segregation. Many of these places, they said, were in a pitiable state of neglect. However, the commission concluded that, provided adequate arrangements were made for proper sanitation, roads and other services in Indian areas, segregation areas ought to be established in towns, and that were such areas established trading licences might reasonably be confined to the inhabitants of these segregated Indian areas.

This led to another main question before the commission, namely, trading licences for Indians, which was considered in great detail. Natal had a few years previously (in 1908) put forward two very drastic bills, one of which was designed to stop the issue of any new licences to Indians forthwith, while the other provided that in ten years' time (that is after 31 December 1918) no licence should be issued, transferred or held by, or on behalf of, an Asiatic. The Imperial Government, however, refused its consent to these bills. The Secretary of State for the Colonies stated: 'It would be a matter of the greatest difficulty to enumerate any conditions under which it would be possible to justify the interdiction of a particular class in the State from engaging in normal, legitimate and necessary occupation; and it would be still harder to justify dispossessing them from their existing means of livelihood, however liberal might be the terms of compensation. But the imposition of such disabilities on a class which owes its presence in the Colony to the Colony's own necessities and whose numbers have been augmented by the voluntary action and, indeed, the settled policy of successive Colonial Governments, over a period of 15 years since the advent of self-government, would appear on its merits to constitute a hardship of a specially grievous character. I feel bound to inform you that the inherent defects to which I have referred will make it impossible for me to advise His Majesty to assent to these Bills in the event of their being passed by the Colonial Legislature.'<sup>2</sup>

<sup>1</sup> *Report of the Asiatic Inquiry Commission*, U.G. 4, 1921, para. 123, p. 34.

<sup>2</sup> *Ibid.*, para 124, p. 34.

<sup>3</sup> *Ibid.*, para. 125, p. 34.

<sup>1</sup> U.G. 4, 1921, para. 118, p. 33.

<sup>2</sup> *Report of Asiatic Inquiry Commission*, U. G. 4, 1921, para. 169, p. 46.

Subsequently, partly on account of this Imperial pronouncement and on the decision of the Indian Government to prohibit the further immigration of indentured labour to Natal, and partly on account of the unfavourable licensing laws, the Natal Government passed a new Licensing Law<sup>1</sup> allowing a right of appeal to the Supreme Court against a refusal to renew a dealer's licence. However, the growth in the number of licences granted to Indians remained very small. The licensing officer explained the position to the Lange Commission: 'We do what we can to restrict further Indian licences... A European licence is granted almost always as a matter of course, whereas the Indian licence is refused as a matter of course, if it is a new one.'<sup>2</sup>

In Natal there were no restrictions on Indians owning land but many farmers and others expressed great fear that there might be an undesirable extension of Indian land holding. It was stated to the commission by various farmers' societies that during recent years there had been a considerable increase in the acquisition of land by Asiatics in the upland districts of Natal. Some of the farmers who gave evidence foresaw the possibility that the land in Natal, of which their forefathers were the pioneers, would pass to Asiatics instead of to their own descendants. Other evidence showed that Indians were acquiring land on an even larger scale in the coastal areas. An example was cited by a magistrate of an Indian in his district who owned 900 acres of land all under sugar-cane. This Indian originally was an indentured labourer, but he died worth £100,000 and his business was being carried on by his five sons. Other cases included 'squatters', that is tenants of small pieces of land subject to six months' service on the farmer's own land. The Natal Agricultural Union suggested that these leaseholds should be allowed to continue during the lifetime of the present holders, but that no new lease should be granted to Indians. The commission noted with some surprise that very few representatives of the sugar planters gave evidence before the commission. The explanation probably was that the sugar planters still relied largely on Indian labour and were not anxious to see its use restricted. A further point of importance was that the Indian sugar farmers brought their sugar to the European mills to be refined.

Very interesting evidence was given to the commission by Colonel Friend Addison. He came forward in order to see justice done to the Indian community and provided very valuable information as to the services rendered by the Indians to the industries of Natal during the forty years he had been associated with them. When he first started as a sugar planter, he endeavoured to run his estate with Native labour, but found he could not make it pay under these conditions. He, therefore, followed the example of his neighbours

<sup>1</sup> Act No. 22 of 1909.

<sup>2</sup> U.G. 4, 1921, para. 170, p. 46.

and employed Indian indentured labour, after which his estate prospered. He emphatically asserted that the sugar industry of Natal could never have been built up without Indian labour. He added that it was not cheaper than Native labour. The Indian labourer received lower wages than the Native, but his keep and the other provisions that had to be made for him, brought his cost to far more than that of the Native. But he was more regular and reliable in his work. The Indian being away from his own country had no interests beyond the place where he was working, and could therefore be relied upon to stick to his work, while the Natives were apt to break off in the middle of 'crushing' and go off on a beer drink to their kraals for an indefinite period.<sup>1</sup>

Colonel Addison also gave a good deal of information about the existing situation among the descendants of the original indentured Indians. They worked under contract for specified periods, usually a year, and often engaged and re-engaged in family groups under the same employer. Their children went to school, were educated and were later employed as ploughmen, engine drivers, sugar boilers, etc. They also entered various crafts such as cabinet making, the building of water tanks, and the manufacture of leather goods, but were not successful in commerce. Later in the report,<sup>2</sup> the commission noted that this development was viewed with some concern by the European craftsmen. Furniture makers, for instance, generally employed Indians and it was difficult to get young Europeans to accept an apprenticeship in the furniture trade when they had to work side by side with Indians. The commission, however, stated that any interference with the right of the Indian community in Natal to be employed as artisans could not be recommended.<sup>3</sup> Some reference was made by the commission to the possible imposition of a minimum wage with the object of securing better conditions of employment for white labour. But the idea was definitely a new one to them and they contented themselves by saying that 'we refrain from making any recommendation on a subject which has ramifications far beyond the Asiatic question'.<sup>4</sup>

The commission apparently did its work very thoroughly, hearing a large number of witnesses, actually visiting certain Indian areas, and finally making recommendations most of which were the basis of legislation subsequently attempted by the South African Government. It was on the recommendation of this commission (which is sometimes misunderstood by both Europeans and Indians), that the government later introduced legislation providing for the segregation of Indians. It was this legislation that raised such a storm both in South Africa and in India, and, as we shall see later,

<sup>1</sup> *Report of Asiatic Inquiry Commission*, U.G. 4, 1921, para. 160, p. 43.

<sup>2</sup> *Report of Asiatic Inquiry Commission*, U.G. 4, 1921, para. 174, p. 48.

<sup>3</sup> *Ibid.*, para. 175, pp. 48-9.

<sup>4</sup> *Ibid.*, para. 212, pp. 59-60.





led to the Cape Town Agreement of 1927. The commission's recommendations were certainly far-reaching. With regard to the ownership of land<sup>1</sup> they recommended that the restrictions of the Transvaal should remain in force, and that in Natal the right of Asiatics to acquire land should in future be restricted to the coastal belt from 20 to 30 miles inland. It was held that this would not constitute any considerable injustice to the Indians as they were not adapted to ordinary up-country farming, while they were successful as agriculturists (and we may add, market gardeners) along the coastal belt. The commission recommended that such a restriction on Indian land holding in Natal should be provided for by legislation, and that it should be confined to ownership of land for farming or agricultural purposes, outside the townships. They admitted, however, that the Indians might have considerable difficulty in getting land either freehold or leasehold at reasonable terms. They also recommended that there should be facilities for acquiring long leases of land instead of the short leases then in operation. The commission said: 'It has been found that as soon as the Indian holder of a lease on short notice has improved the waste land, the European landlord steps in and drives the Indian further afield by giving him notice to quit.'<sup>2</sup> Even their recommendation of this, it may be observed, did not guarantee security of tenure, and could easily lead to the neglect and improper use of the land in question.

With regard to urban areas they strongly recommended that some system should be introduced both in the Transvaal and in Natal for allotting separate areas to Asiatics.<sup>3</sup> They insisted, however, that the Asiatic trading quarter should be located in the town, with due regard to existing businesses. They agreed this would not entirely rid Europeans of Indian competition, but would ensure the removal of Asiatics from the immediate vicinity of European traders. They advocated the establishment of special boards consisting of three or four members appointed by the administrator of the province to delimit the segregated areas, these members to be persons of standing, capable of acting impartially when dealing with the claims of Europeans and Indians. They did not, however, advocate that any Indian should be a member of such a board.<sup>4</sup>

They recommended that the issue of trading licences<sup>5</sup> should be entrusted to the local authorities, or where such did not exist, to special licensing officers appointed by the administrator of the province: the renewals of existing licences should be granted as a

<sup>1</sup> *Ibid.*, paras. 198-199, pp. 55-6.

<sup>2</sup> *Report of Asiatic Inquiry Commission*, U.G. 4, 1921, para. 199, p. 56.

<sup>3</sup> These are specific recommendations made for conclusions dealt with on p. 85 of this chapter; also U.G. 4, 1921, para. 200, p. 56.

<sup>4</sup> *Ibid.*, para. 201, p. 56.

<sup>5</sup> *Ibid.*, para. 205, pp. 57-8.

matter of course, unless the premises were unsuitable or the businesses were being conducted in an unbusiness-like or unsatisfactory manner. In the event of a licensing officer refusing an application, the grounds for refusal should be stated. As a general rule there should be no appeal from the decisions of the licensing officer, but where the grounds for refusal were based on the unsuitability of the applicant, there should then be the possibility of bringing the matter before a special appeal board appointed by the administrator of the province.

There is a matter which should be mentioned here before examining the attempts to implement the recommendations of the Lange Commission, namely, the discussions of the position of Indians at the Imperial Conference. In 1917, General Smuts (when a member of the Imperial War Cabinet to which Indian representatives were also admitted) stated that the problem of Indians in South Africa was a very special one and that it was not possible to accord the Indians in South Africa the same rights as it was proposed should be given them in the other Dominions. In outlining the fundamental reasons for this situation he said:<sup>1</sup> '... the white community have been afraid to open the door too wide to Indian immigration. We are not a homogeneous population. We are a white population on a black continent; and the settlers in South Africa have for many years been actuated by the fear that to open the door to another non-white race would make the position of the few whites in South Africa very dangerous indeed. It is because of that fear and not because of any other attitude towards the question of Asia that they have adopted an attitude which sometimes, I am bound to admit, has assumed the outward form, although not the reality, of intolerance.' He went on to say that South Africa had got over these difficulties owing to the opportune visits to South Africa of the late Mr. Gokhale and Sir Benjamin Robertson, and he believed that now South Africa was rid of the menace of unlimited Indian immigration, other small administrative matters should easily be settled satisfactorily. That the administrative matters referred to were small is obviously a matter of opinion.

The question was taken up again at the 1918 Imperial Conference when a proposal was made that the Dominions should treat Indians with justice and fairness. Firstly, the Conference adopted the resolution known as the Reciprocity Resolution of 1918. Its text was as follows:<sup>2</sup>

- (1) It is an inherent function of the Governments of the several communities of the British Commonwealth, including India, that each should enjoy complete control of the composition of its own population by means of restriction on Immigration from any of the other communities.

<sup>1</sup> General Smuts' speech at the Imperial War Cabinet, 1917, cf. *Documents Relating to the New Asiatic Bill*, collected by C. F. Andrews, para. (a), p. 19.

<sup>2</sup> cf. *Documents Relating to the New Asiatic Bill*, *ibid.*, para. (c), p. 20.

- (2) British citizens domiciled in any British country, including India, should be admitted into any other country for visits, or the purpose of pleasure and commerce, including temporary residence for the purpose of education. The condition of such visit should be regulated on the principle of Reciprocity as follows:
- (a) The right of the Government of India is recognized to enact Laws which shall have the effect of subjecting British citizens domiciled in any other British country to the same conditions in visiting India as those imposed on Indians desiring to visit such countries.
  - (b) Such right of visit or temporary residence shall in each individual case be embodied in a passport or written permit issued by the country of domicile and subject to visa there by an officer appointed by and acting on behalf of the country to be visited, if such country so desires.
  - (c) Such right shall not extend to a visit or temporary residence for labour purposes or to permanent settlement.
- (3) Indians already permanently domiciled in the other British countries should be allowed to bring in their wives and minor children on condition (a) that not more than one wife and her children shall be admitted for each Indian; (b) that each individual so admitted shall be certified by the Government of India as being the lawful wife or child of such Indian.<sup>1</sup>
- (4) The Conference recommends the other question covered by the Memoranda presented this year and last year to the Conference by the representatives of India insofar as not dealt with in the foregoing paragraphs of this Resolution, to the various Governments concerned with a view to early consideration.

This resolution was very adroitly worded so that on the one hand it secured Indian self-respect, while on the other it preserved the white communities from the danger of unlimited Indian immigration.

The position of Indians in Natal was taken up again at the Imperial Conference of 1923, when the anti-Indian agitation in South Africa had reached a climax and when various discriminatory laws had either been passed or were in contemplation.<sup>2</sup> Previously, following the resolution of the Conference of 1918, it had been arranged that

<sup>1</sup> This recommendation was also embodied in the Cape Town Agreement and in Dr. Malan's Act No. 37 of 1927, i.e. the Immigration and Indian Relief (Further Provision) Act.

This principle was subsequently abrogated by the Nationalist Government of South Africa in 1954. (See Chap. IV, p. 73 and Chap. VII, p. 142.)

<sup>2</sup> The Class Areas Bill.

all the other Dominions should be visited by Srinivasa Sastri, an Indian statesman of outstanding personality, who was subsequently to become the first Indian Agent-General in South Africa. South Africa at this time, however, refused to receive a visit from Mr. Sastri, and at the Imperial Conference of 1923 the Indian and South African delegates had to face each other across a gulf of misapprehension and resentment.

Sir Tej Bahadur Sapru, the leader of the Indian delegation, and General Smuts met each other in a brilliant debate. The Indian representative insisted that there ought to be a single Commonwealth citizenship and that all Indians should possess this common citizenship. General Smuts on the other hand insisted that the position of Indians in South Africa was a matter for South Africa alone, and refused South Africa's assent to any resolution that might be passed by the Imperial Conference demanding equal rights for Indians in South Africa.<sup>1</sup>

We can now turn to a consideration of the legislation based on the recommendations of the Lange Commission. In its first form it was known as the Class Areas Bill, which was drafted by Mr. Patrick Duncan, then in General Smuts' Cabinet and subsequently Sir Patrick Duncan, Governor-General of South Africa. It laid down a definite policy of segregating Indians in special areas to be allotted to them in each town, and confined the rural Indians to a coastal area extending thirty miles inland.<sup>2</sup> The bill caused alarm amounting almost to panic among the Indian community, and strong protests were received both in South Africa and London from various Indian societies and organizations. They saw themselves segregated residentially, their trading rights strictly limited to their own residential areas, and opportunities for natural expansion denied them. The whole of South Africa debated the subject, pro and con. Among the white community, of course, public opinion was strongly in favour of the bill. The Indian community naturally was violently opposed to it and enlisted the sympathy of India. Suggestions were made that round table conferences should be held between the two governments to investigate the whole question. The first mention of such a possibility was made by Mrs. Sarojini Naidu,<sup>3</sup> the poetess, who visited South Africa in 1924. But a personality much more important in the field of politics later made the same suggestion in a speech at Pietermaritzburg. This was Mr. J. H. Thomas,<sup>4</sup> then Secretary of State for the Colonies, who came to South Africa as head of the British

<sup>1</sup> Gen. Smuts' speech on Imperial Conference, 1923, Joshi, op. cit. pp. 106-108 and *Documents Relating to the New Asiatic Bill*, pp. 22-3.

<sup>2</sup> This of course was a direct contravention of the principle laid down by the Indian Government, on the occasion of the first introduction of indentured Indian immigrants, that once the Indians worked out their indentures they would not be subject to any racial discrimination.

<sup>3</sup> Joshi, op. cit. p. 109, for further information about Mrs. Naidu.

<sup>4</sup> Joshi, op. cit. p. 110.

delegation of the Empire Parliamentary Association, which in that year met in South Africa. In his speech at Pietermaritzburg he put forward the suggestion that the Indian problem in South Africa should be discussed and settled at a conference of the governments concerned. This conference was ultimately held, but only after many further alarms and excursions.

Before, however, we go on to the fate of the Class Areas Bill and its successor, the Areas Reservation Bill, there are a few other developments that should be noted. Up to this time no restrictions had been placed in Natal on land-holding by Indians, and Durban still possessed a considerable amount of land not yet disposed of to private owners. Periodic auction sales of such land were held, and Indians had been accustomed to bid for and buy this land. But at a land sale held in Durban in 1922, the bidding of Indians was the subject of a strong protest from the European public, and the auction had to be abandoned. The Durban Town Council<sup>1</sup> soon afterwards took steps to induce the Provincial Council to pass an ordinance authorizing the Town Council to introduce into its sales of municipal land a clause binding a purchaser never to alienate it to an Indian.<sup>2</sup>

The Governor-General in approving the ordinance<sup>3</sup> expressed the hope that land would soon be made available to the Indians for residences, but as a matter of fact this hope was never realized. In general, the arrangements for Indian housing at this time were most unsatisfactory. The great mass of the Indians were very poor, and they frequently occupied land on the outskirts of the town, which meant that every approach into Durban was littered by untidy and insanitary Indian shacks, while the actual conditions were even worse than they appeared from the outside. The shacks

<sup>1</sup> Durban became a city in 1935.

<sup>2</sup> For the benefit of overseas readers it is necessary to explain the function of provincial councils in South Africa which are without a parallel anywhere in the British Empire, though they bear some resemblance to the organisation of French departments. They are a form of local government, but they are too big to act effectively in this sphere of real local government, as there are only four in the whole of South Africa. South-West Africa can now be regarded as a fifth province though its constitution is not quite similar to those of the other four. They have limited powers of local legislation which are called ordinances. These, however, do not go into effect unless they are approved by the Governor-General, i.e. in practice, the Prime Minister or his Cabinet. It should be noted too that the chief executive officer of the province, the administrator, is appointed by the central government. The provincial council meets only once or twice a year. Day by day business of the provincial council is carried on by a very small executive committee consisting of four members plus the administrator.

<sup>3</sup> The ordinance is known as the Durban Land Alienation Ordinance, No. 14 of 1922, promulgated on 27 July 1922. Its purpose was to grant additional powers to the Town Council of the borough of Durban in respect of the 'alienation of or other dealing with' immovable property belonging to the said borough. The ordinance made it possible for the Durban Town Council to insert a condition of sale on any property belonging to it forbidding its future alienation to an Indian. This is known as the Anti-Asiatic Clause.

were badly built cottages of four rooms, which very soon fell into a state of disrepair. Each room was usually inhabited by a separate family and the cooking was done in a communal shelter erected at the back. Sanitary arrangements were either inadequate or completely non-existent. The writer once visited a group of these tenements and saw rooms with the minimum of light and ventilation and the merest sticks of furniture. In one there was no furniture at all except a roll of bedding in a corner.<sup>1</sup>

The Town Council made some attempts to improve Indian housing and offered to erect houses for Indians at Cato Manor,<sup>2</sup> which is now a notorious African slum, the land being mostly owned by Indian landlords. But as the project implied Indian segregation, the Indians refused to be a party to it and the Council thereupon relaxed its efforts and nothing whatever was done for the improvement of Indian housing. All Indian areas were neglected by the Durban City Council. The roads were not properly made and the provision of water, electric light and other amenities was neglected.

In another direction too, the Indians received a setback. They had been deprived of the parliamentary franchise in 1896. In 1924 they were further deprived of the municipal franchise. The ordinance of the provincial council proposing this measure was twice vetoed by General Smuts' Government, but when General Smuts was defeated in the 1924 election and was succeeded by a Nationalist-Labour Coalition, the new Prime Minister, General Hertzog, straightway gave his consent to the abolition of the municipal franchise to Indians in Natal.<sup>3</sup> This ordinance, however, was not retrospective. Indians already on the roll retained their rights, but no new Indian names were entered.<sup>4</sup>

<sup>1</sup> See *Durban Housing Survey 1952, Natal Regional Survey*.

<sup>2</sup> The Council made 50 sites available in Cato Manor for this purpose.

<sup>3</sup> At the time of Union each province had its own electoral laws. In the Orange Free State and Transvaal only Europeans had the vote. At the Cape, owing to the stronger influence exercised by the Imperial Government when the Cape first received representative government in 1852, and later in 1872 full responsible government, no colour bar with regard to the franchise existed. There was instead a property and educational qualification, which in practice excluded nearly all the Africans, but which admitted a certain number of Indians and Coloured people who could qualify. Natal, by the Charter of 1856, had also in the beginning a similar electoral qualification, but after only nine years, in 1865, Natives were excluded, except a small number, who were educated, Christians, and living in a state of monogamy. They could be admitted to the franchise by the special permission of the governor. In practice, very few such Natives were ever admitted and none of those are now living. We have already noted how the Indians were deprived of the parliamentary franchise in 1896. In 1925, the Indians were deprived of the right to serve on health committees by the Local Government (Provincial Powers) Act. By this Act the last remnant of their civic rights was lost.

<sup>4</sup> In 1953, there were 11 Indians on the Durban municipal voters' roll. In July 1954 only four had re-applied for registration. There are also some 60 Indians on the Stanger municipal voters' roll, and until defeated at the last election, there was an Indian member of the Stanger Town Council. There are now no Indians entitled to exercise the parliamentary franchise in Natal.

We may now return to the fate of the Class Areas Bill; the whole situation was changed when in 1924, before the bill was passed, the Smuts government fell, and was succeeded by a Nationalist-Labour Coalition under the premiership of General Hertzog. Both sections of the government were anti-Indian—the Nationalists because of their general attitude on colour questions and Labour because of their dread of Indian competition. It was, therefore, to be expected that the recommendations of the Lange Commission would again be taken up. They were finally embodied in a new bill—the Areas Reservation and Immigration and Registration (Further Provisions) Bill, introduced by Dr. Malan in July 1925. In introducing the bill, Dr. Malan, Minister of the Interior, said he had tried to 'steer the safe and sane middle course', and anticipated that the bill would please the extremists of neither party. He went on: 'I must 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 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 this question will not be the employment of any 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 the Indians to leave the country.'<sup>1</sup>

The bill followed the well-known lines of the Class Areas Bill, but went even further in carrying out the recommendations of the Asiatic Inquiry Commission (Lange Commission). However it must be remembered that the Lange Commission did not at any time recommend compulsory repatriation. Besides endeavouring to rid South Africa of as many Indians as possible, the new bill aimed at the rigorous residential and commercial segregation of the Indians in Natal. Dr. Malan, however, issued a word of caution in introducing this policy saying that 'restrictions in these areas must, however, not be compulsory but should be achieved by gradually attracting the Indian community to localities suitable for the purpose. Any attempt to enforce a compulsory segregation would result in failure, and lead to a resurgence of the passive resistance movement'. The bill gave power to any local authority to request the setting aside of segregated areas for residence or trade purposes for any particular class or race of persons; the minister, on request, was authorized to appoint a commission of three persons to investigate the desirability of establishing these segregated areas. It also provided for the variation of such areas at a later date if that course seemed desirable. The bill dealt also with the old question of landholding in Natal, and in addition proposed to amend the Asiatic Immigration and Registration Law especially with regard to Indian women. The new bill tightened up the immigration restric-

<sup>1</sup> *Documents Relating to the New Asiatic Bill*, op. cit. pp. 13-14.

tions on Indians considerably and provided for the registration of all Asiatics resident in South Africa. The well-worn problem of licensing was omitted on this occasion, but was taken up in a separate bill which strengthened the licensing laws generally, but without making specific reference to Asiatics. Finally Dr. Malan was quite emphatic that no matter when the bill was actually passed, it should come into effect on 1 August 1925, which was about a fortnight after it was first introduced.

Dr. Malan may have taken the view that the bill was a moderate one,<sup>1</sup> but this opinion was in no way shared by the Indian community or by the Government of India. The bill was regarded by them as a threat to the future economic security of the Indian population in South Africa since it would destroy its means of livelihood; fierce protests were received from the Indian community in Natal and from the Indian Government itself. There followed a long and complicated series of negotiations, the ups and downs of which would be tedious to detail.

Briefly the course of events was as follows: The Government claimed that the bill was in accordance with the recommendations of the Lange Commission. This, however, was not the case since as we have already seen, while the Lange Commission had advocated some system of establishing separate areas for residential purposes this was done with a view to improving the Indian's position and not consigning him to further hardship. The *Natal Mercury* on 24 July 1925, welcomed Dr. Malan's provisions for urban segregation even although cases of individual hardship would undoubtedly be created. In some quarters the bill was criticized on the grounds that it did not go far enough in that it contained no provision for compulsory repatriation. Indian public opinion, naturally enough, was strongly opposed to it. It was regarded as establishing humiliating conditions which cast a slur on all Indians throughout the Empire, and as constituting an affront to their *Izzat*.<sup>2</sup> In South Africa the reaction among the Indians was immediate and very strongly expressed. The Natal Indian Congress declared that the bill was far-reaching, iniquitous and disastrous to Indian interests,<sup>3</sup> and it further insisted that it was a violation of the Smuts-Gandhi Agreement of 1914, which declared that existing laws would be administered 'in a just manner and with due regard to vested rights'.<sup>4</sup> The South African Government, however, would not agree that this interpretation of the Smuts-Gandhi Agreement was justified.

<sup>1</sup> He definitely said it was not to be regarded as closing the door to further negotiations between the Union and Indian governments, cf. *Documents Relating to the New Asiatic Bill*, op. cit. p. 14.

<sup>2</sup> *Izzat* means honour and prestige—intensely valued by all Indians.

<sup>3</sup> *Indian Opinion*, 28 August 1925.

<sup>4</sup> cf. Letter from E. M. Gorges to Mr. Gandhi, 30 June 1914, quoted in full in Joshi, *Tyranny of Colour*, op. cit. pp. 80-2.

The 23rd of February, 1926, was held as a National Day of Prayer by Indians throughout South Africa, and in Durban 4,000 Indians filled the Town Hall to pray for protection in this hour of greatest danger.<sup>1</sup> Early in 1926 the South African Indian Congress sent a deputation to India to present the case of the South African Indians to the Indian public. Mass meetings of protest were held at Bombay, Madras, Delhi, and Calcutta. In the Indian National Congress Gandhi moved a motion giving 'full support to the struggle of the South Africa Indians'. The Viceroy of India, Lord Reading, had already protested on 26 December 1925 against the suggestion that the Indian in South Africa was an alien and declared that 'whatever differences may exist in India on other political questions, there is unanimity of opinion regarding the position of Indians in South Africa'.<sup>2</sup>

On 17 February 1926, as a result of the official opposition of the Indian Government to the bill, the Minister of the Interior, Dr. Malan, moved the discharge of the second reading of the bill and it was referred to a select committee to report to the House on or before 1 April 1926. The Minister himself was the chairman of the committee. The bill, however, never reached the second reading.

India continued to press for a round table conference, but for a long time the Union Government refused to give way. At last it agreed to an Indian proposal that an Indian delegation should visit South Africa for the purpose of collecting facts. This delegation, under the leadership of Mr. Paddison, an eminent Indian civil servant, came to the Union, collected information, and placed it before the select committee. About the same time Mr. C. F. Andrews, already referred to as a disciple of Gandhi, came to the Union in an unofficial capacity, and helped the Indian community in presenting its case to the select committee. Finally, it became clear that the main issue was that of the repatriation of a considerable number of the Indian inhabitants of South Africa. The Union Government frankly stated that its objects were to secure repatriation on a scale that would considerably diminish the Indian population. It was, however, admitted that such repatriation must be voluntary, though the Union Government was prepared to increase its subsidies by granting larger bonuses to the returning Indians. It was pointed out that the passing of the Areas Reservations Bill would raise such a storm of indignation that the Indian population would refuse to apply for repatriation. The alienation between the European and the Indian communities would be complete—there could be no hope for the future. It was also true that the fear, however improbable, of relations between India and the rest of the Commonwealth becoming strained if this policy persisted, weighed much with the South African Government. At the

<sup>1</sup> *Natal Mercury*, 24 February 1926.

<sup>2</sup> *Documents Relating to the New Asiatic Bill*, op. cit. p. 32.

same time it was a contingency that the Imperial Government in London was naturally anxious to avoid. It is difficult to conjecture what were the exact factors which ultimately changed the attitude of the Union Government, but changed it certainly was. In the end, the Union Government agreed to a round table conference being held in Cape Town. To this decision the select committee and also the South African Parliament gave their approval. The Union Government insisted that the question of repatriation should be considered, and with some hesitation the Indian Government agreed.

The full agreement between the two governments, which was the official basis of the proposed conference, was as follows:

The Government of the Union of South Africa and the Government of India have been further in communication with each other regarding the best method of arriving at an amicable solution of the Indian problem. The Government of the Union have impressed on the Government of India that public opinion in South Africa will not view with favour any settlement which does not hold out a reasonable prospect of safeguarding the maintenance of Western standards of life by just and legitimate means. The Government of India are prepared to assist in exploring all possible methods of settling the Asiatic question, and have offered to enter into conference with the Union Government for that purpose. Any proposals that the Conference might make would be subject to confirmation by the Governments of the two countries. The Union Government have accepted the offer of the Government of India and, in order to ensure that the conference should meet under the best auspices, have decided subject to the approval of the Select Committee and Parliament not to proceed further with the Areas Reservation and Immigration and Registration (Further Provision) Bill, until the results of the conference are available.<sup>1</sup>

The round table conference began on 17 December 1926. The Indian delegation consisted of Sir Mahomed Habibullah, leader, the Rt. Hon. V. S. Srinivasa Sastri, Sir Phiroz Sethna, Sir D'Arcy Lindsay, Sir George Paddison, and Sir C. Corbet, with Mr. Girjashankar Bajpai as secretary. The South African delegation was headed by Dr. Malan himself.

The conference met in private from 17 December 1926 until 11 January 1927, and the agreement, known as the Cape Town Agreement, was published simultaneously in the middle of February in India and South Africa. It constituted a compromise. The Indian Government agreed to the establishment of a scheme for the voluntary repatriation of Indians and undertook to look after them on their arrival in India. Each person aged 16 years and over, on being repatriated, was to receive a bonus of £20 from the Union Govern-

<sup>1</sup> Cf. *Report of the Indian Penetration Commission*, U.G. 39, 1941, p. 7.

ment, and each child the sum of £10. There were further arrangements made for pensions to be granted by the Union Government for old or infirm adults in lieu of the bonus.

Free railway passes to the port of embarkation in South Africa and from the port of landing on arrival in India to the returning immigrants' ultimate destination were also to be provided, in addition, of course, to a free passage by sea. The repatriates were to be allowed to return to the Union within three years from the date of their departure, provided they repaid the bonus and the cost of the passage. The Union Government undertook to drop the Areas Reservation Bill and to provide for the cultural and economic uplift of that section of the Indian community which elected to remain in the Union—it was hoped by the Union Government that this would be a minority. The Agreement stated: '... the Union Government firmly believe in and adhere to the principle that it is the duty of every civilized Government to devise ways and means to take all possible steps for the uplifting of every section of their permanent population... and accept the view that, in the provision of educational and other facilities the considerable number of Indians who will remain part of the permanent population should not be allowed to lag behind other sections of the people'.<sup>1</sup> It undertook to advise the Provincial Administrator to appoint a provincial commission of enquiry into Indian education and to obtain the assistance of an educational expert from the Government of India for the purpose of such an enquiry. It also undertook to arrange for the admission of Indian students to the South African Native College of Fort Hare. There was a further agreement to investigate the sanitary and housing conditions in and around Durban, 'which will include the question of (i) the appointment of an advisory committee of representative Indians, and (ii) the limitation of the sale of municipal land on restrictive conditions'.<sup>2</sup> It was also agreed that under the Industrial Conciliation Act of 1924 and the Wages Act of 1925, Indians should be allowed to take their place on the basis of equal pay for equal work, and that when the time came for the revision of the trade licensing laws, the Union Government would give due consideration to the suggestion made by the Indian delegation that the discretionary powers of local authorities might be reasonably limited in the following ways: '(i) The grounds on which a licence may be refused should be laid down by statute. (ii) The reasons for which a licence is refused should be recorded. (iii) There should be a right of appeal in cases of first applications and transfers, as well as in cases of renewals to the courts or to some other impartial tribunal'.<sup>3</sup>

It was also part of the Cape Town Agreement that the Indian

<sup>1</sup> Cf. U.G. 39, 1941, op. cit. p. 11, Section 3, para. 1.

<sup>2</sup> Cf. U.G. 39, 1941, op. cit. p. 11, Section 3, para. 2(c).

<sup>3</sup> Cf. U.G. 39, 1941, op. cit. p. 11, Section 3, para. 4.

Government should appoint one of its own nationals to act in South Africa as an Agent-General to watch the working of the Agreement and facilitate relations between the Indians and the Union Government.<sup>1</sup>

This Agreement constituted another landmark in the history of the Indians in South Africa. It has not, as we shall see in the next chapter, been altogether a success. Indeed on different grounds it has been a disappointment to both parties, but it did constitute on the part of the Union Government a recognition of the rights of Indians resident in South Africa to education and to the provision of health and housing amenities. It was undoubtedly, at the time it came into operation, very far in advance of European public opinion and stood for an almost complete change of policy by the Union Government. It is to be hoped that sometime in the future the proceedings of the conference will be published, so that it will be possible to discover what were the arguments that affected the change of policy on the part of the Union Government.<sup>2</sup>

#### NOTE ON C. F. ANDREWS

C. F. Andrews was another of the remarkable men who came to the help of the Indians in Natal. He was born at Newcastle-on-Tyne in 1873.<sup>3</sup> The family belonged to the Catholic Apostolic Church—a curious little sect which emerged in the distress of the years following the Napoleonic wars, and C. F. Andrews' grandfather was one of its first adherents. The Catholic Apostolic Church believed in the literal inspiration of the Bible and this led, in later years, to Andrews leaving the Church and uniting himself with the Church of England. In his youth, however, he was powerfully impressed by the religious atmosphere in the midst of which he was brought up. He had a brilliant academic career in the famous King Edward VI High School in Birmingham, and later at Cambridge where he fell under the influence of Bishop Westcott of Durham, Charles Gore and the other authors of *Lux Mundi*, a book which endeavoured to represent Christian principles in the light of modern intellectual and social problems. Andrews finished his undergraduate course by taking a first class in the Classics Tripos. He gave a great

<sup>1</sup> This constituted a new type of Protector of Immigrants who was appointed, not by the government of the country which had received the immigrants, but by the country which had sent them.

<sup>2</sup> For a full analysis and discussion of the Cape Town Agreement see unpublished thesis on the subject by Miss J. F. Corbett, 1947; also Joshi, op. cit. p. 127-37.

<sup>3</sup> One of the biographies on C. F. Andrews, owing to some changes of residence of the family, stated that he was born at Carlisle, but the Registrar of Births, Deaths and Marriages in Newcastle wrote to the author of the book asking that the mistake be corrected so that Newcastle should 'not be deprived of its one saint'.

deal of time to practical social work among the poor, and later was ordained a priest at Southwark Cathedral. After this he went to India to take up a position at St. Stephen's College at Delhi, landing in Bombay on 20 March 1904. During his stay in India he was greatly drawn towards the Indian philosophers, became a friend of Tagore, the Indian poet, and was much interested in the position of the Indians. He finally came to the conclusion after some hesitation that British Imperialism was in some respects an evil influence in India, and this brought him into close contact with the group of Indian reformers in the Indian National Congress.

During these years, he played a great part in the development of St. Stephen's College, and also in the general policies of the Christian Church in India. When in 1912 and 1913 the passive resistance movement in Natal was at its height, he approached Gokhale and undertook to go out to Natal in order to help the Indians there. He arrived in Durban on 1 January 1914, and was met by Gandhi, dressed in a white dhoti and a cloak of such coarse material as an Indian indentured labourer might wear. Moved by veneration for that slight heroic figure, Andrews gave him the traditional Indian salute to a venerated leader by stooping down and touching his feet. This gesture naturally aroused consternation and protest among the Europeans in Natal.

C. F. Andrews remained in Natal on this occasion for only a few days giving what help he could to the passive resisters. An incident of great future significance was occasioned by an invitation extended to Andrews to preach in an Anglican Church during his stay in Natal. Gandhi went to hear him and was turned away because he was an Asiatic. In subsequent years in India, Andrews devoted more and more attention to the social problems affecting Indians. He met Gandhi again and their friendship was strengthened. He became particularly interested in the social and economic position of the Indian indentured labourers abroad. He played a great part in the total abolition of indentured Indian emigration which was adopted by the Indian Government in 1911. He visited Natal again on several occasions, and on one visit helped with an epidemic of small-pox that had broken out among the Indians. He nursed them himself as he always regarded the menial duties of nursing as a valuable element of Christian discipline; he prevented them from breaking their quarantine and acted as liaison officer between them and the health authorities of the municipality of Durban.

His great achievement in South Africa, however, was his participation in the negotiations leading up to the Cape Town Agreement. For several months he devoted himself to preparing the case and actually issued, under his own name as editor, a collection of documents which are still of great interest and value, and are said to have had considerable effect on the members of the Round Table Conference. While in South Africa he always lived with Indian

families and identified himself with the Indian community. It was one of his characteristics to be extremely careless about clothes, and his friends had to insist over and over again that he should give up his old ragged garments and buy new ones. Even his Indian friends used to insist on 'smartening him up' when he was leaving them to visit Europeans.

The rest of his life may be briefly summarized. He devoted a great deal of time and attention to the stoppage of opium traffic in India and to the establishment of trade unionism among Indian workers. He visited other emigrant Indian communities, particularly in British Guiana and Zanzibar, and did his best there to make the authorities conscious of the need for reform in education, land tenure, etc. among the Indians living in their territories. He took part in the Round Table Conference for the new Indian constitution in 1930-2, and visited the United States with the object of spreading correct information about India in that country. His friends described him earlier as a hyphen, as he was so often the means of bringing together opposing forces in various communities for the mutual welfare of their peoples, and in his later years he was often alluded to as a bridge-builder. After a serious illness necessitating two operations, he died on 5 April 1940.

#### NOTE ON THE IMPERIAL, COMMONWEALTH AND COLONIAL CONFERENCES

Imperial Conferences began at the time of Queen Victoria's Golden Jubilee in 1887, when advantage was taken of the presence of a number of colonial Prime Ministers to hold a meeting for the discussion of matters of common interest to all the countries represented. At this time, of course long before the establishment of Dominion Status, the colonies were still nominally under the control of Britain, though many of them had attained responsible government and the House of Commons no longer interfered directly with their internal affairs. For a time Imperial Conferences were held only at fairly long intervals, but after the First World War they were held much more frequently. Finally, the Imperial Conference recommended in 1926 that the position of the independent states should be more clearly recognized. This ultimately gave rise to Dominion Status and the Statute of Westminster, 1931, by which Great Britain bound herself not to interfere in the internal affairs of the Dominions—the title adopted to indicate the new status of the independent colonies.

In 1931 the title of the Conference was changed to Commonwealth Conference to indicate the new position of the former British Empire, which now continued as an alliance of states each controlling its own domestic affairs, and also acting independently in foreign affairs, appointing ambassadors to countries outside the Commonwealth and appointing High Commissioners, who are in fact equi-

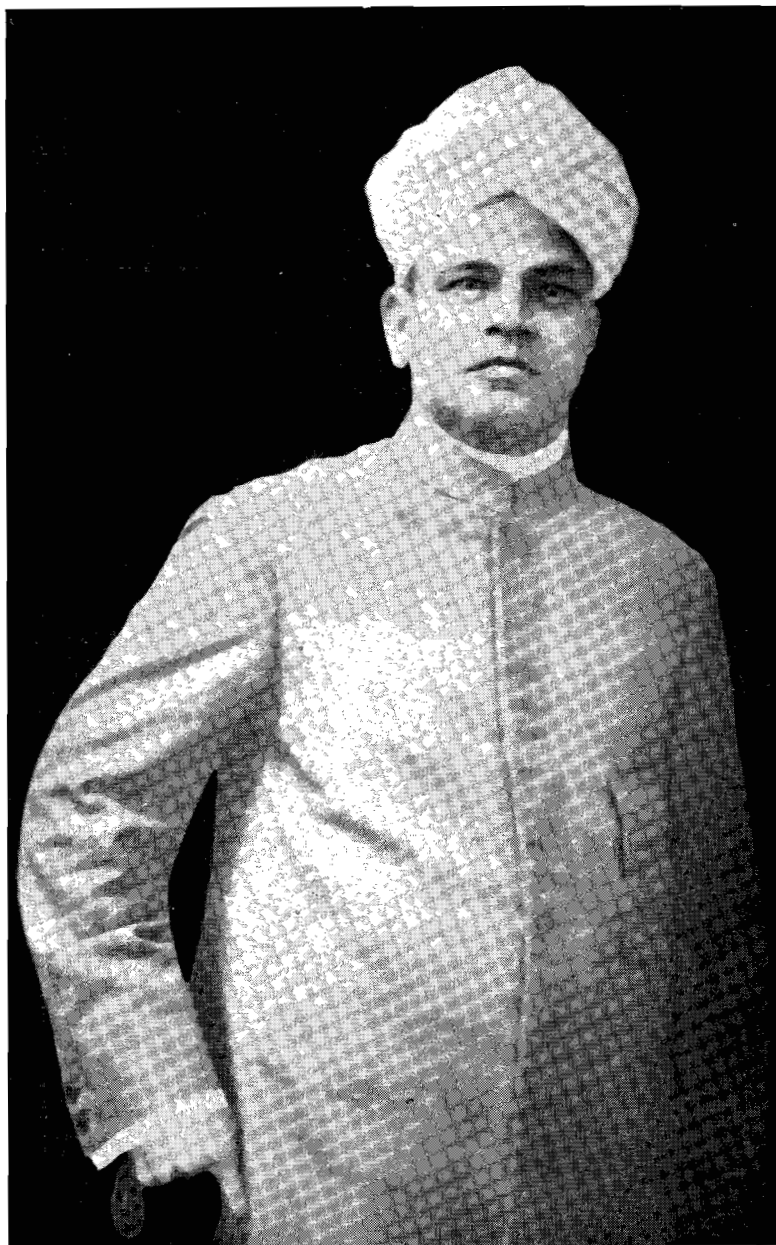
valent to ambassadors, to countries within the British Commonwealth. Any country is free to sever its ties with the Commonwealth, as Eire has already done.

This is a new type of political institution. Nothing comparable to it has ever appeared before. Legally, the alliance between the different states of the Commonwealth is very loose, but owing to ties of sentiment, in many cases of common language and traditions, and a common interest in defence problems, it is far stronger than many federations or alliances based on detailed legal documents.

To complete the story we may add that there is now a Colonial Conference, composed of representatives from the non-self-governing Colonies of Great Britain.

Readers interested in this subject which often causes some perplexity outside the British Commonwealth itself, are advised to read *A Hundred Years of the British Empire* by A. P. Newton, London, Duckworth, 1947.





Mr. Sastri, first Agent General for the Government of India  
in South Africa



An aerial view of Durban

CHAPTER VI  
AFTER THE CAPE TOWN  
AGREEMENT  
1927-1946

THE Cape Town Agreement was essentially a compromise. The Indian Government had given up its opposition to a repatriation scheme, and agreed to co-operate in a voluntary, assisted immigration scheme. Indeed, it undertook to do its best to further the scheme by looking after the returned immigrants when they arrived in India. The Union Government had undertaken to raise those who remained in South Africa, whom they expected to be a small minority, to the level of Western standards of living. Naturally each party attached most importance to that section of the Agreement which it had secured from the opposing side. The Union Government regarded the Cape Town Agreement mainly as insuring a gradual diminution in the Indian population. The Indian Government regarded it mainly as a means for securing fair treatment for the Indians remaining in South Africa. It should be noted, as Miss Corbett says in her thesis on the subject,<sup>1</sup> that the Agreement did not touch the roots of the trouble. It did not alter the attitude of the great body of the European population. Through the provision of better education it would naturally intensify the competition of Indian traders and workers with Europeans. Furthermore, it did not give the Indians any participation in the government of South Africa. They still remained voteless, and therefore it was inevitable that bodies elected solely by European voters (with a certain number of Coloured and Native voters in the Cape Province) should carry out the wishes of their constituents and disregard the views of people who had no political influence. The Durban City Council, for example, could not really be blamed for ignoring Indian interests. No elected body can be expected to dis-

<sup>1</sup> 'A Study of the Capetown Agreement'—Thesis by Miss J. F. Corbett, 1947, pp. 79-82.

play so great a degree of altruism that its members would run the risk of losing an election through their championship of persons without votes.<sup>1</sup>

Under these circumstances, it was inevitable that the Cape Town Agreement should turn out to be a disappointment to both parties. It did not reduce the Indian population in South Africa. At first, the repatriation scheme with its bonuses of £20 per returning immigrant did cause a small flow of Indians to India,<sup>2</sup> but only in one year, 1928, did the number of repatriates exceed the number added to the Indian population in South Africa by natural increase. Very shortly the stream of returning immigrants began to slacken. They did not find it easy to re-establish themselves in the close-knit fabric of Indian society, divided rigidly into villages and castes. The Indian Government, beyond the appointment of 'special officers' to care for the repatriates on their arrival in India, was not successful in securing their establishment on a firm basis. To most of them it was a new country. The great majority of Indians in South Africa had been born in the Union and were no longer immigrants in the strict sense of the word. Furthermore, to those who were old, the India of their youth had changed. The bulk of the repatriates were working people—agricultural and unskilled labourers—who found it difficult to get employment in South Africa during the depression years, and to whom the bonuses of £100 paid out to a family of five seemed a small fortune. It is stated that many of them lived in idleness in India until their grants were exhausted, when they were forced to depend on charity. It should be remembered, however, that prospects for the repatriates in India were very bleak. They found it practically impossible to find employment. At all events, their position was in many cases very unfortunate,<sup>3</sup> and when news of this began to trickle back to South Africa, fewer and fewer Indians applied for repatriation bonuses. Though

<sup>1</sup> It may be worthwhile recalling the experience of Jamaica, where a legislative council composed entirely of white planters governed the country so badly that riots and uprisings were the result. The legislative council had to be abolished in 1865 and the control of the island given to a Governor appointed by Great Britain. When at a later date, representative institutions were re-established in Jamaica, they were constituted on a different basis, with representation of the non-European sections. Under her new constitution, Jamaica now has adult suffrage extending to all its inhabitants of every race and colour. cf. Ramsay Muir, *Short History of the British Commonwealth, Vol. II*, pp. 534-5.

<sup>2</sup> Dr. Malan in a speech in Parliament stated that 'in the last calendar year the number of Indians repatriated was 3,250 as against 2,900, the highest total ever reached in any one year in the past'. About 700 Indians left South Africa in the first month of 1928. cf. Joshi, op cit. p. 151; Debates of the House of Assembly, Vol. 10, 29 Feb. 1928, p. 1528.

<sup>3</sup> See R. S. Nowbath's Article in *The Leader*, 23 March 1951; also, 'A report on the Emigrants Repatriated to India under the Assisted Emigration Scheme for South Africa, and the problem of Returned Emigrants from All Colonies', by Bhawain Dayal Somyasi and Benansidas Chatur Vedi, May 1931.

rising to a considerable figure in 1928, the number of repatriates steadily declined as the following figures show:

INDIANS REPATRIATED FROM THE UNION  
UNDER ACT 37 OF 1927<sup>1</sup>

1927	1,655 <sup>2</sup>
1928	3,477
1929	1,314
1930	1,012
1931	1,961
1932	2,881
1933	1,493
1934	880
1935	492
1936	430
1937	232
1938	205
1939	121
1940	48

These figures cannot be regarded as an effort to diminish a population of approximately 142,000 with a high birth rate. Even at the peak in 1928 the number of 3,477 was quite inadequate if regarded as a means of permanently reducing the Indian population of South Africa. Indeed, the policy betrays a curious ignorance of demographic statistics. Very rarely does emigration reduce the population of a country. Streams of emigrants left Great Britain during the nineteenth century for the United States, Canada, Australia, and New Zealand, and, to a much smaller extent, for South Africa, but the population of Great Britain did not fall. On the contrary, it increased during the whole of the nineteenth century. The only country known to me where the population has diminished owing to emigration is Ireland, where as a combined result of the Irish famine and emigration the population dropped from eight millions to four millions. As a general rule, however, emigration does not decrease the population of a country. Any expert in these matters could have told the signatories of the Cape Town Agreement that it was most unlikely that a scheme of assisted repatriation would reduce the number of Indians in Natal.

It may even be doubted whether the offer of a bonus was the main factor in producing the moderate flow of repatriates from

<sup>1</sup> Information from the Department of the Interior; also Miss J. F. Corbett's thesis, op. cit. p. 88.

<sup>2</sup> Figure for five months from August to December, during which Act 37 was in operation. The total figure for 1927 was 2,975.

1927 to 1933. During this period unemployment was very serious in South Africa. At first nothing was done for the Indian unemployed, though later the municipalities of Durban and Pietermaritzburg did provide a certain amount of public work to be undertaken by Indians. Also during this period, the so-called 'civilized labour policy' of the Nationalist-Labour Government was in force. By this an attempt was made to secure that public and, as far as possible, private employment should be given to 'civilized', i.e. 'white' labourers. Indians were dismissed from the railways and the number employed by municipalities was restricted.<sup>1</sup> It is at least possible under these circumstances that the main motive for repatriation to India was the difficulty of securing employment in South Africa. The matter was discussed again at another Round Table Conference held according to agreement in 1933.

There is a further point at which the Cape Town Agreement broke down. Most of the spheres in which the upliftment of the Indians could be practically carried out, for example, primary and secondary education, and health and housing, were under the control of the provincial and municipal councils, which meant that the Union Government was only indirectly concerned with these functions. The Natal Provincial Council elected by the white population was hostile to the Indians and it required a good deal of agitation and pressure to induce it to carry out a more liberal education policy. The health and housing of Indians, which depended mainly on municipal councils, made very little progress.

The sphere in which most progress was made was a very fundamental one, namely that of education. Indian education was under the control of the Province, which received a subsidy from the Union Government for that purpose. Part of this was granted on the basis of the number of children attending school. It was often asserted that this was merely a basis of calculation and that the subsidy was not necessarily intended to be spent on the education of Indian children. At all events it was not so spent, being diverted to other purposes.

Indian education at this time was mostly provided through schools established by missionaries which, on certain conditions, received a government grant-in-aid towards teachers' salaries. These were known as state-aided schools in contrast to government schools which were provided directly by the Province. The term 'government school' is, of course, a carry-over from the time when Natal was a separate colony with its own government directly under the British Colonial Office. These state-aided schools were in a very unfortunate position. The school premises, which were for the most part provided by mission and other white authorities,

<sup>1</sup> One instance occurred in this connection which aroused great indignation among Indians. An Indian on duty at a railway crossing lost his life in trying to prevent an accident, and he was replaced by a white man.

generally with the assistance of the Indian communities whom they served, were often ramshackle and insanitary. The teachers were underpaid. Their salaries were so much lower than those in the government schools that the maximum salary in a state-aided school was just about equivalent to the minimum scale in the government sections. Some Indian women teachers received as little as £3 per month. Naturally they were, under these circumstances, usually untrained or only partly trained. There were no secondary schools, though one or two schools had advanced classes preparing for the Junior Certificate and Matriculation examinations. The latter was, and still is, a necessary qualification for many various occupations, as well as for admission to a university. This meant that only a small proportion of the Indian children succeeded in passing to the higher standards, whereas in European schools the children were fairly equally distributed between the standards. In Indian schools, the children were mostly in the sub-standards or in standards I and II, and very few were able to pass the Matriculation examination.<sup>1</sup>

It had been part of the Cape Town Agreement that an education committee should be appointed which would be assisted by experts from India to report on Indian education in Natal. The Provincial Council was very slow in appointing this committee, and in the meantime Mr. Sastri, the first Agent-General, had taken action. He secured contributions, amounting to £28,000, from Indians towards an institution for providing secondary education and teacher training for young Indians, and after many difficulties secured a grant of land for the purpose from the Durban Corporation. This institution is known as Sastri College, which is mainly a boys' high school leading to the Matriculation examination and might be described as the Indian counterpart to the Durban Boys' High School, with the difference that the latter is almost entirely financed from government funds.<sup>2</sup> The foundation stone was laid during Mr. Sastri's term of office, and when the building was completed it was handed over to the Provincial Council which undertook to run it for the benefit of the Indian community.

After some delay, the Provincial Council appointed an education committee under the chairmanship of Mr. Dyson which enquired into the state of Indian education in Natal. It was assisted by two experts sent by India—one an Indian, Mr. Kichlu, and the other a European woman, Miss Gordon. The committee found the conditions of Indian education very bad. In the first place, the number of schools was inadequate. About half the Indian boys were receiving no education, and only a very small proportion of Indian girls attended school. This, of course, was not entirely due

<sup>1</sup> More than 80 per cent dropped out before reaching Std. IV, and only two or three students passed beyond Std. VII to study for the Matriculation examination at this time.

<sup>2</sup> Moderate fees are charged at this school.

to the neglect of the authorities, but in part to the attitude of the parents, who at that time still upheld the tradition that girls should be kept at home under the control of their parents, and especially of their grandmothers.<sup>1</sup>

The committee recommended that facilities for Indian education should be extended by the establishment of government schools in large centres of Indian population, and when funds permitted, the extension of state-aided schools. The committee, however, failed to recommend compulsory education for Indian children, but advocated more liberal salary scales and conditions of service for the whole Province; the expenditure of the whole subsidy received from the Union Government on Indian education; and the establishment of a training college for Indian teachers as soon as possible. This was achieved by the Province taking over Sastri College and using it to train Indian teachers, as well as for its primary purpose of a boys' high school. There is no doubt that this resulted in certain improvements in Indian education. The number of schools increased from 52 in 1928 to 78 in 1931; Indian teachers' salaries were raised, but only in 1943 were the teachers in state-aided schools paid at the same rate as teachers in government schools. Sastri College, in particular, has become a centre of Indian cultural life in Durban. It has turned out large numbers of matriculated Indian students, and by its adoption of a good secondary school discipline has given them a poise and understanding of themselves and the world around them which has been of incalculable benefit to the Indian community. Its training department has steadily raised the standard of teaching in the Indian schools. Later, a girl's school—the Dartnell Crescent Girls' High School—was started on the same lines. At first, it received only a small number of pupils, but Indian parents are realizing the importance of education for their girls, and the Dartnell Crescent Girls' High School is now full.

The improvement in education and the institution of the office of Agent-General, however, were the only parts of the Cape Town Agreement which received attention. With regard to health, sanitation, the improvement of roads, lighting etc., very little was achieved. All these problems fell within the sphere of the municipalities. They had not been consulted—indeed, consultation was not possible—on the terms of the Cape Town Agreement. Furthermore, they were elected almost entirely by a white electorate whose indifference towards the Indians had in no way diminished. Therefore,

<sup>1</sup> The Indian grandmother dominates the life of the joint-household, particularly of the girls. It is she who decides whether the girl should or should not go to school or college, and she who determines when her marriage should take place. Usually and naturally an elderly woman with conservative views, she acts as a brake upon the advancement of the Indian women in Natal. Dr. Hilda Kuper has dealt with this subject in 'The South African Indian Family' published by the Institute of Race Relations in *The Indian as a South African*, p. 28, 1956.

the areas occupied predominately by Indians<sup>1</sup> continued to be neglected, to be badly lit, to be served by narrow, rutted and inconvenient roads, to be without proper sanitation, and to have an inadequate drainage system and water supply. Even when the boundaries of Durban were extended in 1932 no steps were taken to improve the conditions of the non-Europeans living in the new areas. No improvement was made in housing, although this was partly due to the attitude of the Indians themselves. In Durban they refused to co-operate or consider any housing schemes involving segregation, and the Durban municipality dropped the proposals. This neglect of the Indian areas was one reason why well-to-do Indians wished to live in European areas, with proper drainage, adequate water supply, and electricity.

The Cape Town Agreement provided for the appointment by the Government of India of an Agent-General with diplomatic status. His business was to supervise the carrying out of the Agreement and generally to represent the interests of the Indian community. As a result a number of very distinguished Indians came from time to time to the Union. The first was Mr. Srinivasa Sastri. He had tremendous force of character, and has been described as producing the effect of a 'benevolent thunder cloud'. He was also a man of great intellectual ability and high moral standards. He was a member of the Society of the Servants of India dedicated to social service and voluntary poverty.<sup>2</sup> He had a great effect on South Africa and was received freely in European society. Mr. Sastri was accompanied by a distinguished civil servant, Mr. (now Sir John) Tyson, the very pattern of the high-class Englishman with a public school education, and it was curious to see the effect produced on European society by the deference with which Mr. Tyson addressed his Indian chief.<sup>3</sup> Among Mr. Sastri's successors were Indians of first-rate achievement, such as Sir Kurma Reddi,<sup>4</sup> Sir

<sup>1</sup> Note, there has been no legal definition of Indian areas even under the Group Areas Act, No. 41 of 1950. The Act of 1943 or the 'Pegging Act'—the Trading and Occupation of Land (Transvaal and Natal) Restriction Act, No. 35 of 1943—merely 'pegged' people to where they were, and restricted property transactions between Europeans and Indians. See also *Durban Housing Survey*, N.R.S. Add. Report No. 2, 1952, p. 405.

<sup>2</sup> On one occasion he addressed the Rotary Club of Durban on the subject of voluntary poverty, and we cannot but speculate on the effect produced on this group of well-to-do business and professional men by Mr. Sastri's praises of poverty.

<sup>3</sup> Mr. Tyson became extremely popular in Natal society. He married a Durban girl and on his retirement he returned to live in Durban.

<sup>4</sup> He caused great consternation by marrying a Hindu lady of Kimberley, being himself a Mohammedan. This so upset the Natal Indian Congress that members of its executive resigned in a body, including one Christian, Mr. V. Lawrence. It might have been thought that such a wedding would lead to greater unity between the Hindu and Moslem communities, and why a Christian should object to it is difficult to understand.

Maharaj and Lady Singh, who being Christians, found fewer barriers than did other Indians between themselves and their European neighbours, and Sir Benegal and Lady Rama Rau. Sir Benegal is a member of a distinguished Indian family still playing an important part in international affairs.<sup>1</sup>

The office of Agent-General was not an easy one and, indeed, contained contradictions in itself. (The title was later changed to High Commissioner for India).<sup>2</sup> On the one hand it was a diplomatic position, and therefore, the Agent-General or High Commissioner had to preserve a certain discretion in his public utterances and in his dealings with the Union Government. On the other hand, the Indian community naturally looked to him as their leader, and were frequently disappointed by his moderation and discretion. On the whole, however, the Agents-General or High Commissioners were popular and successful. There was only one occasion when Mr. Sastri was treated with great discourtesy, being shouted down at a meeting at Klerksdorp. The town and the South African Government subsequently apologised.<sup>3</sup> The office provided a channel through which the views and grievances of the Indian community could be made known to the Union Government.

A weakness of the Cape Town Agreement was that it completely ignored the variations in the Indian problem from province to province, and the existence of provincial barriers. In the Transvaal, the Indian problem was mainly concerned with the tenure of land and residential and trading restrictions; in Natal it was concerned chiefly with trading rights, the franchise, employment, and the population. Each province before Union had its own individual laws, and, although the Union Government had power to legislate for the whole of South Africa, it did not avail itself of this right with regard to the problem of the Indians, but merely regulated emigration and residence in South Africa.

This is yet another reason why there was a certain unreality about the Cape Town Agreement. Not merely did the different parties attach varying significance to the different sections but the Agreement completely ignored many of the fundamental difficulties of which this differentiation between provinces was only one aspect.

In accordance with the terms of the Cape Town Agreement a second Round Table Conference was to be held in 1933. It was duly summoned on 12 January, and the position of Indians in South Africa was reconsidered. By that time it had become obvious that the repatriation scheme was a failure.<sup>4</sup> A new proposal was there-

<sup>1</sup> See *International Year Book and Statesmen's Who's Who*, 1953, p. 330.

<sup>2</sup> This change in title was largely due to the enhanced political status attained by India during the war years, 1939-45.

<sup>3</sup> cf. Joshi, *op. cit.*, pp. 149-50.

<sup>4</sup> Dr. Malan when addressing the House of Assembly on 15 June 1933, recognised that the possibilities of the Union's scheme of assisted emigration to India were exhausted. U.G. 23, 1934, p. 15.

fore put before the conference, namely, that an inquiry should be made into the possibility of finding some British colony which might serve as an area for emigration not only for Indians in South Africa, but also for the surplus population in India itself. The Natal Indian Congress was invited to co-operate which it did rather unwillingly, because the bulk of the Indians in South Africa, being South African born, were Union nationals. Nevertheless, the investigation was made and as Mr. Calpin remarks, 'It must be the only occasion in history when the Government of one country has taken upon itself the duty and expense of an investigation for the purpose of solving a specific problem of another country.'<sup>1</sup> At the investigation the colonies of British Guiana, British New Guinea, and British North Borneo in Asia were considered. They all proved unsuitable as they were undeveloped areas infested with many diseases due mainly to the unhealthy tropical climate. For this and other reasons the proposal was ultimately dropped.<sup>2</sup>

To sum up, the Cape Town Agreement is certainly a landmark in the history of Indians in South Africa. The appointment of the Agents-General gave them status and a means of approaching the Union Government. Indian education was definitely, though slowly, improved. The repatriation scheme, however, was a complete failure and no adequate steps were taken to improve Indian housing or to provide the Indian areas with sanitation, light, roads and the other amenities of a civilized urban existence.<sup>3</sup> The Indian community remained, on the whole, very poor, though it included a small number of wealthy merchants. The Cape Town Agreement never received the whole-hearted support of the provincial councils and municipalities in the Union.

Various developments affected the position of Indians in the Union during the period under review. One factor which greatly disturbed the Indians in the 1920's was labour legislation. The late Col. Creswell once said to the writer that South Africa had all the problems of a modern industrial country and needed the same type of factory and industrial legislation as other countries, but that the establishment of such legislation in the Union was immensely complicated by the existence of so many different races at different levels of culture. This statement is borne out by the facts described in the following pages.

The Colour Bar Act, or as it is more officially called, the Mines and Works (Amendment) Act, 1926, established a definite division between the crafts that could be followed by Europeans and non-Europeans in the mining industry. Since few Indians were employed in the mining industry, they were not very much affected. At the

<sup>1</sup> Calpin, G. H., *Indians in South Africa*, 1949, p. 77.

<sup>2</sup> The local South African Indians were much opposed to the suggestion, and it is very doubtful whether Britain, to whom the proposed colonies belonged, would have been very sympathetic.

<sup>3</sup> Burrows, H. R., *Indian Life and Labour in Natal*, 1943, pp. 24-34.

Handwritten notes in the right margin of the page, including the name "Burrows" and some illegible scribbles.

same time it was a most important piece of legislation affirming the principle of the colour bar.<sup>1</sup>

The Union Government passed a very remarkable Apprenticeship Act in 1922, which as far as the Europeans were concerned, was exceptionally enlightened. It provided for the setting up of committees for each industry to regulate conditions of entrance to, and training in, the particular skill required, while all apprentices were required to attend classes in local technical colleges. But this Act, enlightened as it was in many respects, imposed heavy burdens on many Indians. The apprenticeship committees required a pass in the Standard VI examination. Very few Indians at this time possessed this qualification, as the provision of adequate schooling was limited. Further, the apprenticeship committees had the right to decide which firm could take apprentices, and they usually refused such permission to Indian firms on the grounds that they were not sufficiently equipped to undertake proper training. Therefore, in practice, the Apprenticeship Act barred the entrance of Indians to organized skilled crafts.

The new Labour-Nationalist Pact Government of 1924 introduced further legislation. The Minimum Wage Act (No. 27 of 1925) contained no colour bar and certainly the first chairman of the Minimum Wage Commission, Mr. Lucas, intended that it should be applied to raise the general standard of wages and efficiency throughout industry, irrespective of race. It might have worked that way had it come into operation at a time when trade was brisk and the demand for labour acute. Unfortunately, in most industries, determinations fixing the rate of wages were only established when the great depression of 1929 was beginning to cast its shadow before it. Considerable unemployment meant that employers could choose their workers. Having to pay the same rate of wages to non-Europeans and Europeans they usually chose Europeans when they were available. In this way wage determination tended to accentuate unemployment among Indians and other non-European races.

Similarly, the Industrial Conciliation Act of 1924,<sup>2</sup> which fixed rates of wages by mutual agreement between employers and employees, was in many ways very commendable and relieved the Union of the burden of devastating strikes. Minor strikes, of course,

<sup>1</sup> The first Mines and Works Act was passed in 1911 (Act 12 of 1911), by which the principle of the colour bar was legalised. This afforded white labour the protection of a statute as well as that of public opinion and prejudice. Furthermore, it placed upon the mines the obligation of pursuing a policy which aimed at maintaining the economic superiority of the white race. Obviously, from the social and economic point of view, the Mines and Works Act was of the greatest significance. The amended Act of 1926 (Act 25 of 1926) popularly known as the Colour Bar Act, re-established the chief statutory support of the principle of the colour bar in mining.

<sup>2</sup> Act 11 of 1924, amended by Act 24 of 1930, Act 7 of 1933, and finally by Act 36 of 1937, which repealed former Acts.

still occurred, though in industries which fell under the Industrial Conciliation Act these were illegal. Serious strikes, such as those that convulsed the gold mining industry of the Transvaal in 1914 and again in 1922, have not occurred during the last thirty years. But again the Act pressed heavily on the non-European. They were not represented on the conciliation boards and inevitably their interests tended to be overlooked.<sup>1</sup>

It is often assumed by persons writing in the interests of Indians, such as P. B. Joshi in the *Tyranny of Colour*<sup>2</sup>, that this legislation was deliberately intended to injure the non-European communities of South Africa. This was certainly not true with regard to the Wages Act and probably not true of the Industrial Conciliation Act, although the object of protecting the white worker against the competition of the non-European was certainly intended. It merely illustrated the view stated by Col. Creswell that unexpected difficulties cropped up in South Africa whenever an attempt was made to introduce modern industrial legislation into the country on the pattern followed quite successfully in other parts of the world.

During the 1930's South Africa was prosperous and was governed by a Coalition Government formed in 1933. General Hertzog became Prime Minister with General Smuts as Deputy Prime Minister, while the Cabinet was composed of both South African Party and Nationalist Party members. On the whole, during these years, the Indian question fell to some extent into the background, though isolated pinpricks against the Indian community were common. For instance, the civilized labour policy of the Coalition Government was a considerable disadvantage to the Indian.<sup>3</sup> The town councils in their slum clearance schemes took the opportunity of dispossessing long-established Indian communities as a part of these schemes. There were protests against Indians or Natives driving motor cars. There was an agitation against Indian flower sellers in Pietermaritzburg who had long been accustomed to sell flowers on the Town Hall steps and at the gates of cemeteries, and the Town Council introduced a by-law forbidding this practice. This however was declared *ultra vires* by the courts. The Provincial Council then passed an ordinance expressly permitting the Town

<sup>1</sup> The place of Natives under this Act was very curious and illustrates the difficulties in which South Africa is sometimes landed by her colour problem. Pass-bearing Natives (that is to say Natives not exempt from Native Law) were specifically excluded from the operation of the Act. But this provided a loophole for employers and they began to engage the pass-bearing Natives at much lower wages and to use them for work that had hitherto been done by other, mostly non-European, sections of the community. The Act had to be speedily amended and the Industrial Conciliation Boards were given the power to fix wages for pass-bearing Natives, but, of course, no representatives of these pass-bearing Natives were admitted to the Board.

<sup>2</sup> P. B. Joshi, *Tyranny of Colour*, 1942, pp. 21-3; also 214-15; 221-2.

<sup>3</sup> For a definition and full discussion of the civilized labour policy, see R. F. A. Hoernle, *South African Native Policy and the Liberal Spirit*, 1945, pp. 21-7.



Council to take such action. There is a certain suspicion, which may or may not be justified, that some of the European firms dealing in flowers played a part in fostering this move against the Indians.

One of the most interesting features of this period was the development of various Indian organizations. The Natal Indian Congress which had been founded by Mahatma Gandhi continued to function, but it had fallen, to a considerable extent, into the hands of the wealthy Indians, the majority of whom were Mohammedans, while the mass of the poorer Indians were Hindus. The private house of the secretary was used as the headquarters of the organization, and the records and documents of the Congress were not efficiently kept. Meanwhile, another body, the Colonial Born and Settlers' Association, was established in 1933. It was largely recruited from the poorer Indians and was led by Advocate Christopher, a powerful speaker and able organizer. Thus, there was no longer one body speaking for the united Indian community of Natal. Many European sympathizers of the Indians were disturbed at this situation, especially as it was accompanied by a great deal of personal rivalry and recriminations among the Indians of the two organizations. This situation was by no means unique or surprising since it is an established fact that the frustration and irritation of a repressed community nearly always results in these personal rivalries.<sup>1</sup> In this instance it was dangerous to vent this irritation on the white upper class, but it had to find an outlet somewhere. The safety valve, as usual, was found in feuds between the members of the oppressed community.

For many years attempts were made to bring the Natal Indian Congress and the Colonial Born Association together. Various well-intended Europeans tried to effect a reconciliation. The Agents-General found the existence of the two bodies a great disadvantage, and special efforts were made by Sir Rama Rau to heal the breach. He was strongly supported by the distinguished Indian philosopher, Sir Sarvapalli Radhakrishnan, who had been Professor of Oriental Philosophy at Oxford. Finally, in 1939, the two bodies were amalgamated under the title of the Natal Indian Association,<sup>2</sup> but subsequently reverted to the title of Natal Indian Congress.

On the whole, during the 1930's, there was what may be described as a troubled peace between the Indian and European communities. Both were prosperous and in particular new opportunities of employment were opening for Indians as a result of South Africa's progress towards industrialization. If the civilized labour policy closed some avenues of work, the establishment of factories around the big towns opened others. Here Indians found employment as unskilled and semi-skilled workers particularly in the minding of machinery, occupations which were despised by the skilled European

<sup>1</sup> Dollard, J., *Caste and Class in a Southern Town*, 1937, passim.

<sup>2</sup> Joshi, op cit., p. 263.

craftsmen. Both communities were progressing, and during periods of progress inter-racial feuds are usually felt less acutely. Towards the end of the 'thirties, however, a fresh wave of anti-Indian agitation began to emerge.

The Indian community was, naturally, increasing in numbers. It was also demanding more housing accommodation because of the breakdown in the joint-family system. Educated Indians on marrying were insisting on having homes of their own, a situation which, strangely enough, gave rise to a good deal of family friction.

On the European side the development of the motor car resulted in the establishment of desirable suburbs some distance from the town and Europeans tended to move out from what had previously been the best residential areas in Durban. In many cases, Indians took the place of the Europeans who had moved to cooler and more agreeable areas some distance away. This was a natural development which occurred in all growing towns.<sup>1</sup> But in Durban, this development has been exacerbated by racial prejudice. The natural overflow of the Indian population into new areas was viewed with great concern, and its extent was much exaggerated; sometimes it was even represented as a deliberate plot on the part of the Indians to get possession of large areas in Durban, while it was sometimes stated that there was a plot to turn the whole of Durban into another Bombay. This development of public opinion was fanned by ambitious politicians. If a man wishes to make an impression on public opinion, the Indian problem always lies ready to hand. He can pose as a defender of the white people against the Indians, and the gullible white voters fall for this idea every time. No doubt there was a certain amount of public concern to be played on; but certainly the agitation was fanned and exaggerated by the politicians, particularly the Dominion party. The Dominion Party was a small Natal party—ultra-British, still influenced by the Imperialistic conceptions of the end of the nineteenth century, filled with distrust of both the Nationalist and United parties and in need of some popular slogan, particularly after the outbreak of the war in 1939. It found this popular slogan in its declared antagonism to the Indian and its regard for the interests of the European population in Natal, which were taken to be in opposition to those of the Indians.

In the Transvaal a similar development had occurred. As a result of the passing of the Asiatic Land Tenure Amendment Act in 1932, the government appointed the Transvaal Asiatic Land Tenure Commission under the chairmanship of Mr. Justice Feetham. The commission, popularly known as the Feetham Commission,

<sup>1</sup> In Glasgow, Birmingham and other British towns, it will be found that the best residential quarters of fifty years ago are now inhabited by citizens of a lower social class, while new suburbs have sprung up on the outskirts for the better-off classes.

had two functions, to compile a register of all Indians in illegal occupation under the terms of the Act, and to examine the distribution of Indians on the Rand, making recommendations for areas to be withdrawn from the legal penalties imposed by previous Gold Laws. The commission obviously had a mammoth task before it, and its inquiry lasted several years during which time those Indians in doubt about the legality of their position had to register an appeal for protection until 1935. This validation of Indian occupancy was extended for two years until 1937, on account of the strong European opposition to the recommendations of the Feetham Commission, which, it was stated, advocated the development of Indian 'islands' in the middle of Johannesburg, thus perpetuating a system it was hoped to destroy. The Feetham Commission recommendations were still in abeyance in 1940 and the initial problem of Indian penetration was still as far from being solved as ever. Both Indians and Europeans were dissatisfied and this dissatisfaction steadily grew.

Thus, from 1940 onwards, a determined agitation against the Indian began in Natal and in the Transvaal. This was very embarrassing to the newly formed wartime government whose main object was the prosecution of the war effort, which meant close association with Britain and other Dominions, including India. Naturally, Field-Marshal Smuts was not at all anxious to have to face renewed accusations of unfair treatment of the Indians in South Africa. At the same time he was dependent on the votes of the white inhabitants of South Africa, and something had to be done to mollify this growing anti-Indian feeling, especially in Natal.

It was at this time that A. I. Kajee came forward as a leader of the Indians. He was a very successful businessman and a Moham-medan. He was exceptionally able and capable of negotiation and compromise. He was also said to be somewhat dictatorial in his methods, but in the opinion of many, he was almost the only one of the Indian leaders who displayed some of the qualities of statesmanship. Already he had endeavoured by personal intervention to persuade Indians not to purchase houses for their own residence in European quarters, and thereby hoped to minimize European protests against the Natal Indians. He was not always successful, but he did succeed to a considerable extent in preventing fresh movements of the Indians to what had been predominantly European quarters. Field-Marshal Smuts took up this idea and entrusted its execution on a larger scale and by more influential bodies, to Mr. Lawrence, M.P. Not without much difficulty and only after several visits to Durban was Mr. Lawrence able to induce the Durban City Council to form a committee—which came to be called the Lawrence Committee—consisting of six representatives of the Durban City Council and six of the Natal Indian Association. All property transactions were reported to it, and if these transactions were likely to result in the settlement of Indians in European areas,

the Indians members were required to interview the would-be purchasers and to dissuade them from buying or, at least, from occupying the house purchased. Curiously enough, no attempt was made to deal with the European sale of such property to Indians. Indeed, when such cases of sales by Europeans to Indians occurred, the European seller was never blamed, and the matter was always represented to the public as if it were uninvited penetration by the Indian alone.<sup>1</sup>

The Natal Indian Association had a difficult problem before it. Only a few months earlier its members had been fiercely denouncing Mr. Kajee for undertaking the task with which they themselves were now charged. Apparently, the main reason for the Association undertaking this work was the anxiety of its leaders for a position of prominence among the other leaders of the Indian community, but at the same time it was aware that part of the work of the Lawrence Committee was to make a survey of Indian housing needs which would be brought to the notice of the Durban City Council.

Their participation in the scheme roused great indignation against them among their fellow Indians. This unpopularity was fanned by the European Press, which represented the move as the acquiescence by the Indians in a segregation policy. Nevertheless, the experiment continued for some months, largely with the object of stemming the institution of compulsory measures by the government. During these months some success was achieved in stopping further property purchases by Indians in European areas. But in the end the attempt broke down. Many Indians would not accept the advice of the committee, or at least of the Indian members of the committee. The Durban City Council on its side was not satisfied with the scheme; some of its members contended that even if Indians entered into an agreement they could not be trusted to keep it. It felt that the only possibility of really stopping what was described as 'Indian penetration' was by legislation. Finally, the Durban City Council withdrew its members from the Lawrence Committee and this interesting experiment came to an end. As Mr. Calpin says,<sup>2</sup> 'the Lawrence Committee failed because there were Europeans who insisted on legislative restrictions, and Indians who preferred the discomfiture of their rivals.' The failure of the Lawrence Committee may also be attributed to the inability, unwillingness or tardiness of the City Council simultaneously to develop suitable residential sites for the class of Indians who were being dissuaded from purchasing houses in predominantly European areas. With this failure it became clear that the government would be forced to pass legislation against the Indians.

The government had already appointed a commission under the

<sup>1</sup> cf. Calpin, op. cit. pp. 147-54.

<sup>2</sup> Calpin, G. H., *Indians in South Africa*, 1949, p. 153.

chairmanship of Mr. Justice Broome, to investigate the whole question of Indian penetration. Its terms of reference were: 'To enquire into and report whether and, if so, to what extent, Indians have, since 1st January 1927, commenced occupation of or acquired sites for trading or for residential purposes in predominantly European areas in the Province of Natal and the Transvaal . . .'.<sup>1</sup> The date 1927 was chosen because it was at that time that the Cape Town Agreement came into existence. However, it shows a lack of realism to expect a population which was increasing both in numbers and in standard of living, to remain for thirteen years within the admittedly rather limited areas which it had inhabited in 1927, without any change or expansion.

The Broome Commission did its work thoroughly. It addressed invitations to give evidence before it to all manner of public bodies, including the Women's Institutes. In the Transvaal it had statutory powers to call and examine witnesses, but in Natal it had no such power, possibly because the holding of land by Asiatics was not contrary to the law of Natal, as it was in many areas of the Transvaal. While in the Transvaal witnesses were cross-examined by representatives of the communities concerned, in Natal there was some difficulty in getting witnesses to consent to this. The Durban City Council, in particular, at first refused to allow its officials to be cross-examined by representatives of the Indian bodies. It is worth noting a point which will no doubt seem strange to overseas readers, that no Indians were appointed as members of the commission which consisted of Mr. Justice Broome, Mr. A. E. Charter, and Mr. Nimrod Smit. Ultimately, this difficulty with the City Council was overcome and cross-examination was allowed.<sup>2</sup>

The results of the commission were somewhat disconcerting to the European extremists. It was claimed by the City Council that 577 sub-divisions of land had been acquired by Indians from Europeans in the predominantly European area of the Old Borough from 1 January 1927 to 30 September 1940. The Indians claimed, and were successful in showing in cross-examination, that this included a certain number of duplications. It was finally decided that only 512 such transfers of property had taken place, and that of these only 150 had been acquired and occupied, leaving 362 which had been acquired but not occupied. There was some disagreement between the evidence given by the various bodies representing Indians but in the end, the Indians' claim was upheld by the commission.

A movement of Indians from the admittedly overcrowded areas of the Old Borough at the rate of very little more than an average

<sup>1</sup> The First Broome Commission or Indian Penetration Commission reported in July 1941; U.G. No. 39 of 1941.

<sup>2</sup> The same difficulty arose in connection with the commission appointed to enquire into the Durban Riots of 1949, though cross-examination was not allowed here. See p. 159.

of ten per year can hardly be regarded as evidence of any considerable 'penetration', and still less of a plot to dispossess the European inhabitants of Durban in favour of the Indians. It had been asserted that the Indian purchase of European property in any area resulted in a decline in values in that area, which made it easy for other Indians to make further purchases. The commission enquired very carefully into this point, but was unable to find any conclusive evidence for this statement.<sup>1</sup>

The commission devoted some time to the discussion of reasons for amount of penetration that had occurred. The Indian representatives presented a great deal of evidence to establish:

- (1) The Council's neglect of the predominantly Indian areas of the Borough in regard to both housing and amenities, and the consequent migration of Indians to other areas;
- (2) The Council's failure to provide choice sites for the wealthy class of Indian and the consequent acquisition by Indians of the class of residential properties in predominantly European areas.
- (3) The lack of accommodation in predominantly Indian areas owing to the natural population increase and the consequent expansion of Indians from those areas to the contiguous areas.<sup>2</sup>

In other areas of Natal no evidence was found of a considerable amount of Indian occupation of European areas. In Pietermaritzburg, for instance, during the fourteen years from 1927 to 1940 (inclusive), only sixteen sites have been acquired and occupied. The greater amount occurred in Newcastle, where there were 37 cases of penetration proved, 33 by acquisition for residential or trading purposes, and 4 for investment purposes. On the other hand, 5 sites, 2 of them in a predominantly European area, had passed from Indian to European ownership. In all other cases, the amount of 'encroachment' of Indians was inconsiderable.

The commission, however, refused to pass any judgment on these matters, since it was not concerned with the alleged shortcomings of local authorities, unless these shortcomings became relevant as a possible explanation of penetration. It agreed that in some predominantly Indian areas visited by the commission 'the standard of civic amenities was deplorably low and we can well understand that the inhabitants of those areas would go elsewhere if they possibly could'. But it asserted 'deliberate neglect by the Council [Durban] of the needs of the Indian Community was not proved'. It does not appear that any further proof, other than the obviously low standards of the Indian areas as contrasted with the

<sup>1</sup> Full report of First Broome Commission made in July 1941. U.G. 39, 1941.

<sup>2</sup> Report of the Indian Penetration Commission, U.G. 39, 1941, p. 69.

European areas, was needed. In its discussion of the causes of penetration, the commission drew attention to one factor which is not commonly understood. The Mohammedan religion, like the mediaeval Christian Church, condemns interest as usury. While there is no pretence that all Mohammedans strictly obey this injunction, there seems to be no doubt that it has some effect. Indians with surplus money do not, as a rule, invest it in interest-bearing securities such as company shares, but prefer to use the money for the purchase of land which is not subject to the Koranic prohibition.<sup>1</sup> It is maintained that investment in immovable property in Natal was stimulated by the feeling of security brought about by the promises of improvement contained in the Cape Town Agreement. Furthermore, the entry into Natal of some Transvaal Indians, as a result of their statutory inability to own immovable property in the Transvaal, added to this development.<sup>2</sup> The desire to invest accounted for most of the acquisitions without occupation, of which there were 362 in the Old Borough of Durban, and 129 in other parts of Natal. The commission's report accounted for the remainder of the acquisitions by one or more of the following reasons:

- (1) The lack of housing and civic amenities in predominantly Indian areas;
- (2) the increase in Indian population;
- (3) the improved standard of living of Indians resulting partly from the Cape Town Agreement, and the consequent increased demand for dwellings separate from trading premises;
- (4) the acceptance by Indians of Western standards of living resulting partly from the Cape Town Agreement and the consequent increased demand for separate dwellings outside the ancestral home;
- (5) the entry of Indian families as a result of the Cape Town Agreement and the consequent demand for dwellings;
- (6) the desire by Indians to demonstrate equality with Europeans, or to make gestures of defiance against segregation.<sup>3</sup>

In summing up, it may be said that this first report of the Broome Commission on Indian penetration showed that the agitation against the Indian had been much exaggerated and afforded no grounds whatever for the alarmist statements of the extremists. It did not, however, mean the discontinuance of the agitation. The Europeans ridiculed the commission for stating that practically no penetration had taken place, and asserted that penetration had

<sup>1</sup> Hindus, too, have a predilection to invest in immovable property.

<sup>2</sup> Note, the Transvaal Indian generally purchased property in Natal as an investment and not with a view to actually residing there.

<sup>3</sup> U.G. 39, 1941, p. 76.

in actual fact been going on at an increased rate during the years 1940-2, the commission's enquiries having ended in the latter year.

So persistent were their demands, that Field-Marshal Smuts appointed the second Indian Penetration Commission<sup>1</sup> consisting this time of Mr. Justice Broome alone, who was to enquire into the extent of Indian penetration, including that of companies with predominantly Indian directors, in the municipal areas of Durban since 30 September 1940. This was a very simple issue and was settled by Mr. Broome in four days. His report showed clearly that the rate of penetration had definitely increased; that 326 sites had been acquired by Indians from Europeans in that period, while only 16 sites had been acquired by Europeans from Indians. The commissioner referred specially to one area bordered by Currie Road and Mitchell Crescent, which had until a short time before the investigation been a good class European residential area. Here the Indians had acquired 25 sites in the 29 months covered by the enquiry. 'It hardly seems necessary to comment on these figures', wrote Mr. Justice Broome. 'Suffice it to say that the number of sites acquired during 1942, the last complete year, is two-and-a-half times greater than the highest previous yearly total, viz. that for 1939; that during the first two months of 1943, Indians paid more for sites in European areas than during any complete year dealt with by the previous commission, and that the amount so paid by Indians during the 29 months covered by the present commission does not fall far short of the total amount so paid during the whole of the 13 complete years covered by the previous commission.'<sup>2</sup> Mr. Justice Broome was not prepared to go very carefully into the reasons for these increased acquisitions,<sup>3</sup> but mentioned as probable causes the abnormal conditions brought about by the war. As facilities for trade were restricted, Indians had more money for investment and, as already explained, preferred investment in land, while Europeans had alternative forms of investment open to them. The two other reasons stated as possibilities were:

- (1) That the Indian community is anxious to pass through the door while it is still ajar, i.e. before any legislative restrictions on the acquisition of land were enacted.
- (2) The impression which had been given owing to misleading newspaper summaries on the Broome Commission that no 'penetration' had taken place, had been taken as a sign by the Indian community that they were free to continue and increase their acquisitions of land in predominantly European areas.<sup>4</sup>

<sup>1</sup> Cf. Report of Second Broome Commission, U.G. 21, 1943.

<sup>2</sup> U.G. 21, 1943, p. 4.

<sup>3</sup> Mr. Kaje made an important point to both commissions, namely that penetration had taken place mainly into areas contiguous with existing Indian areas, i.e. it was a natural expansion.

<sup>4</sup> U.G. 21, 1943, p. 6.

At all events, this second commission made it clear that Indian penetration was increasing, and so made inevitable the passing of laws regulating Indian acquisition of land in Natal. It thus led to the passing of the Trading and Occupation of Land (Transvaal and Natal) Restriction Bill which, after it was passed into law in 1943, received the popular title of the 'Pegging Act'.<sup>1</sup>

One or two comments are worth making. It should be noted to begin with that the Act was only passed after every possible effort had been made to avoid any statutory restrictions on the holding of land by Indians. The Government was most unwilling, in view of the international situation, to take any such action, and the setting up of the Lawrence Committee had been welcomed as an alternative. When, however, it failed to work, statutory restrictions became inevitable. The Interim Broome Commission of 1945, in commenting upon the Pegging Act, stated:

With all the information now before it, and at a distance of two years from these events, the Commission deems it right to record its emphatic opinion that, in the circumstances then existing, the Pegging Act was, in so far as it related to Natal (the Commission is not concerned with the Transvaal provisions) a wholly justifiable measure. The Commission regrets that compulsion was necessary, but it is satisfied that at the beginning of 1943, and indeed earlier, a situation had arisen in Durban which, in the interests of Indians as well as Europeans, required to be dealt with at once. The Commission is also satisfied that the Government did not resort to compulsion until every effort had been made to deal with the situation on a voluntary basis. And, finally, the Commission is satisfied that, if the situation had not been dealt with early in 1943, the consequences to both Indians and Europeans would have been disastrous in that, among other calamities, all hope of arriving at amicable *modus vivendi* would have vanished for at least a generation.<sup>2</sup>

In form, the Act applied equally to Europeans and to Indians. In fact, however, its restrictive effects would be felt mainly by Indians. It prohibited, except under permit issued by the Minister, agreements between Europeans and Asiatics for the acquisition of land, or of the right to occupy land for a period of ten years or longer; or the purchase of shares or debentures of land-owning companies. Secondly, the occupation by Europeans of land not previously in European occupation, and the occupation by Asiatics of land not previously in Asiatic occupation, was forbidden. It applied in the first case only to the municipal area of Durban, but could be extended to other areas by proclamation after enquiry by the commission. It was in fact not applied to any other areas.

<sup>1</sup> Act 35 of 1943.

<sup>2</sup> U.G. 22, 1945, p. 5.

The Act was to lapse in March 1946. In substance, it reacted adversely on Indians, and it is notable as the first Act of the Union Parliament which imposed legal restriction on Indians in Natal. In this respect it was contrary both to the original agreement under which the indentured Indians came to Natal, namely that once they had worked out their indentures they should not be subject to any discriminatory legislation, and to the Smuts-Gandhi Agreement, which provided that there should be no interference with the vested rights of the Indians.

The Pegging Act was naturally greeted by a storm of protest from the Indian community, and this was taken up by politicians in India. Many of the statements made in India were not quite justifiable. It was said, for instance, that the Act meant the confinement of Indians to ghettos. This was an incorrect use of the term ghetto. A ghetto was originally a Jewish quarter in a central or eastern European city, walled off from the rest of the area to which all Jews were expected to return by nightfall and to remain there during the night. The Indian quarters in many Natal towns and cities are often very unsatisfactory, especially the poorer Indian quarters. They are slums, but they are not walled off. The inhabitants are not subject to any restrictions as to their comings and goings. The houses of many of the wealthier Indians are quite comfortable and commodious, and not too unpleasantly situated. The term ghetto is not directly applicable to these conditions, but the Indians feared that although the Act was limited in duration to three years, it might, in fact, become permanent and thereby create a situation from which there would be no escape. The Interim Judicial Commission<sup>1</sup> strongly protested against this attitude in India, and against certain misrepresentations which accompanied it, for example that Natal Indians were kept in a state of slavery, and that they were subject to physical ill-treatment. Furthermore, the fact that the Pegging Act was a temporary measure only was completely ignored. On the other hand, it ought to be admitted that the attempt to enforce a *status quo*, however temporary, on a growing and developing community, was bound to result in poor housing conditions among the under-privileged, and to unfair restrictions on investment among the richer section of the community.<sup>2</sup>

One fortunate effect of the Pegging Act was that it led to a greater degree of unity among the Indian leaders. Through the intervention of Sir Shafa'at Ahmed Khan, the High Commissioner for India, the Natal Congress and the Natal Indian Association were persuaded to amalgamate. But many of the leaders refused to come

<sup>1</sup> U.G. 22, 1945.

<sup>2</sup> It is interesting to note that Mr. Hofmeyr, Minister of Education, was not satisfied with the bill and indicated the possibility that he might offer his resignation to the Prime Minister. However, in view of his importance to the war effort he was induced not to resign.

in, with the result that Mr. A. I. Kajee was left in control of the agitation against the Pegging Act.

When the second reading of the so-called Pegging Act was moved, the Minister of the Interior had stated that it was the intention of the Union Government to appoint a commission, presided over by a judge of the Supreme Court, to 'enquire into and report on matters affecting the Indian community in the province of Natal with special reference to housing'.

That commission was appointed in March 1944.<sup>1</sup> Mr. Justice Broome was again its chairman, and its other members were Mr. W. M. Power, Mr. D. G. Shepstone (later Administrator of Natal) and Mr. A. L. Barns, with Mr. I. A. de Gruchy as secretary. An entirely new departure was indicated by the appointment of two Indian members, Mr. S. R. Naidoo and Mr. A. I. Kajee. This was the first time, and incidentally the last, that Indians had been invited to sit on a commission which was to enquire into the grievances of their own people. Unfortunately the attitude of non-co-operation with the government, first introduced by Gandhi in reference to the Solomon Commission of 1914, had remained as a tradition and, therefore, in many quarters Mr. Naidoo and Mr. Kajee found themselves unpopular with many Indians because of their acceptance of membership on this commission.<sup>2</sup>

We have already discussed the recommendations of the Broome Judicial Commissions with regard to Indian penetration, but the Interim Commission of 1945 dealt with other questions as well. Its terms of reference included the question of South African status. It took the view that Indians had no legal right to the franchise. No individual Indian, it pointed out, who was already on the roll had ever been deprived of the franchise. The law of 1896 provided that no further Indians should be registered, but that those already on the roll should continue to have voting rights. The Law of 1896 did not specifically name Indians. It merely provided that persons coming from a country which had no parliamentary institutions should have no right to exercise the franchise in Natal. As the restriction of immigration meant that no immigrants from India were admitted who had exercised any voting rights, it could not be assumed that the Indians had been 'deprived' of the legal right to exercise the franchise. On broader<sup>3</sup> ethical grounds the commission admitted that the position of the Indians was unsatisfactory. The commission regarded as indefensible the fact that a considerable body of Indians permanently situated in Natal were without any form of representation. On the other hand, it was agreed that the standard of Western civilization which had been

<sup>1</sup> Cf. *Report of Interim Commission*, U.G. 22, 1945. This is sometimes referred to as the 'Third Broome Commission'.

<sup>2</sup> The Natal Indian Congress, the Natal Indian Teachers' Society, and other influential bodies did give evidence before this commission.

<sup>3</sup> U.G. 22, 1945, pp. 14-17.

set up in Natal had to be maintained. No fair-minded Indian could disagree with the late Mr. Gokhale when he said of South Africa in 1912: 'There is no doubt that the European element must continue to predominate in this land—that it must be made to feel that its position and its special civilization are absolutely secure; the Government of the country must be in accordance with Western traditions and modes of thought.'<sup>1</sup> The commission was repeatedly informed during its public sittings that the Natal Indian Congress was in complete agreement with this view. In its debate on this question the commission discussed three defensive remedies for this problem, which had been laid before it for consideration.

It was suggested first of all that all racial discrimination should be withdrawn and adult suffrage introduced. This solution was not officially urged by the Natal Indian Congress, but was put forward by a considerable left-wing group. (This group consisted of a set of young enthusiasts who subsequently organized themselves into the Anti-Segregation Council, and ultimately succeeded in gaining control of the Indian Congress at the end of 1945.) The commission dismissed this suggestion on the grounds that in a very few years the Indians in Natal would probably outnumber the Europeans, and the European electorate would be turned into a minority.

The second suggestion was the introduction of a communal franchise for Indians on the same lines as the communal franchise established for Natives in 1936. The commission, however, dismissed this suggestion on the grounds that the Natal Indians were not a backward race like the Bantu, and their racial pride would never allow them to accept representation by Europeans. The commission was satisfied that any offer to Natal Indians of representation on a communal basis would be rejected immediately and unanimously. They regarded it, therefore, as unnecessary to consider the proposal further. This decision of the commission was subsequently to be substantiated by the fact that the Indians did immediately and unanimously refuse to accept the communal franchise given to them by the Asiatic Land Tenure and Indian Representation Act of 1946.

The third suggestion was that of a loaded franchise, namely that the Indians should be placed on a common roll with Europeans, with the proviso that their standards for qualification should be more severe; that Indians should be subjected to education, property, and possibly sex restrictions. This was the form of representation which the commission ultimately recommended on the grounds that it would be in line with the development of the franchise at that time established in India which many Natal Indians would have enjoyed had their ancestors not migrated to Natal. However, it still remained true that only a proportion of Natal Indians were capable of exercising the franchise independently, and this was recognized by the Natal Indian leaders.

<sup>1</sup> U.G. 22, 1945, p. 15.

The leaders of the Congress then in office unanimously agreed that only those Indians who possessed certain minimum property and educational qualifications should be entitled to registration as voters. At this time the leaders of the left-wing group, who were demanding adult suffrage, were at the same time protesting against the introduction of voting by ballot for the constitution of their own body on the grounds that the rank and file of their group were incapable of voting by ballot.

The commission went on to report that, as long as the demand for adult Indian suffrage continued, a compromise or even discussion was out of the question; but if the offer of the loaded franchise were accepted, the door would be opened for negotiation. It ought to have been possible to adjust the load to safeguard European supremacy on the one hand, and on the other to grant to the Indians a reasonable measure of representation. The load proposed by the Natal Indian Congress was the educational qualification of Standard VI, and the economic qualification of an annual income of £150. It was suggested that this should include women. At the time very few Indian women would have qualified, but the indirect result would have been valuable in that the desire to qualify as a voter would have brought about the education of a larger number of Indian women who would have been available for the social welfare and health work where they were urgently needed.<sup>1</sup>

The commission concluded by saying that it had no recommendation to make for settling the question of Indian enfranchisement, but it emphasized that a decision could only be reached on the basis of negotiation and agreement: '... the Commission is satisfied on the strongest possible evidence that an offer to Natal Indians of representation on a communal basis would be rejected, immediately and unanimously'. The commission strongly urged the consideration of the loaded franchise, which alone provided the basis for negotiation and possible agreement. It rightly concluded that, 'If an agreement could be arrived at, it would settle the difficult question of Indian representation in Natal and would thereby remove the main basis of overseas anti-Union propaganda.'

It was, however, an unfortunate commission which was never able to complete its work properly. Its interim findings, which were very badly received, were stated by the *Natal Mercury* to be so unsatisfactory that they were 'fit only to be consigned to the wastepaper basket'. Furthermore, Smuts, as we shall see, completely ignored it when he introduced the Asiatic Land Tenure and Indian Representation Bill a little later in the same year, 1946.

The government had hoped that anti-Indian agitation would cease with the passing of the Pegging Act; but this hoped-for result was not achieved. Other municipalities in Natal asked that the Pegging Act should be extended to them, and the agitation con-

<sup>1</sup> U.G. 22, 1945, p. 17.

tinued in Durban. The Indians turned to passive resistance. Mr. P. R. Pather, who had taken a prominent position in the activities of the Lawrence Committee, tried to induce other Indians not to occupy houses in predominantly European areas. This, however, was difficult because they argued that the City Council was not developing suitable residential sites for them. After the breakdown of the Committee, however, he bought such a house and occupied it after 22 March 1943, the fixed date for the operation of the Act. He appeared in the law courts several times, and was ultimately sentenced to a term of imprisonment with the option of a fine. Some sympathizers paid the fine, but Mr. Pather continued to occupy the house and ultimately was sent to gaol for his disobedience to the law. A good many people, both Indians and Europeans, thought his attitude illogical in view of his previous activities on the Lawrence Committee, but the newspapers in India took up the matter and represented Mr. Pather as a martyr suffering for his principles. This was an attitude which was not altogether unjustified since Mr. Pather could well defend his position by saying that he objected to any statutory compulsion and was prepared to resist it, even although he had previously endeavoured to secure the same end by voluntary methods.

These events were unhappily followed by what has been called the Pretoria Agreement. Both Field-Marshal Smuts and the Government, for reasons already explained, were very anxious to find some alternative to the compulsory regulation of the acquisition and occupation of land by Indians in Natal when the Pegging Act should lapse. The Natal Indian Congress was equally anxious, fearing that the Pegging Act might be extended compulsorily and permanently to the rest of Natal. They were willing, however, to compromise on the subject of occupation of property. The Indians had always insisted that they were not anxious to live among Europeans, and had only been forced to do so because of the impossibility of finding suitable accommodation in the predominantly Indian areas. But they held fast to their objection to any interference in the acquisition of property without occupation. They felt that so few opportunities for investment were open to them that they ought not to be prohibited from sinking their savings in land and housing in the city in which they lived and traded. They found quite a number of Europeans and European organizations agreeing with them on this point, including Mr. E. R. Browne, a Labour Party member of the Provincial Council. In a memorandum, Mr. Browne argued that there could be no objections to Indians acquiring property in European areas provided they did not reside on that property. Finally, they approached the Prime Minister on the subject and Smuts very cordially agreed to receive a deputation on 18 April 1944, at which the Minister of the Interior, Senator Clarkson, the Administrator of Natal, Mr. Heaton Nicholls, and Mr. D. E.

Mitchell, Member of the Executive Committee of the Natal Provincial Council, were present. The Indian memorandum, which was hastily drafted in the train by the Indian delegates on their way to Pretoria, only reached the Administrator on the morning of the meeting, while the Prime Minister saw it for the first time at the conference table itself. Shortly, a voluntary agreement was reached to set up machinery to control and regulate future residential occupation by Europeans and Indians. The conference proposed a board consisting of two Europeans and two Indians with a European chairman who had to be an advocate or magistrate of not less than ten years experience. It proposed that the jurisdiction of the board should be within the City of Durban only, and that after a fixed date no dwelling occupied by a person of a particular racial group could be occupied by a person of another racial group except with a licence from the board. The agreement could be extended to other local authorities if the board investigated the proposal and found there was need for it. It was also possible to appeal to the Administrator. It was agreed that the Pretoria Agreement should be given legislative form through an ordinance to be passed by the Provincial Council.

The sentiment of the Indian leaders on the issue was expressed as follows: 'Above all, in our willingness to meet an immediate situation we do not surrender the principle that any solution of the Indian question rests in negotiation between the Union Government and the Indian community. The assurance and protection given to us by the South Africa Act shall remain constant.'<sup>1</sup>

At first sight this appeared to be a really statesmanlike proposal. It represented, as all statesmanlike proposals do, a compromise. The Europeans were to relinquish their demand that acquisitions (without occupation) of property by Indians should be prohibited, while the Indians, on their side, undertook to prevent what was coming to be called 'residential juxtaposition', that is, the residence of Indians next door to Europeans. It is quite certain that the Indians did not desire this for itself, as was commonly assumed by many Europeans. One can imagine that it would be distinctly embarrassing for a Mohammedan with a family of daughters to live next door to a European family in which several were girls. The Mohammedan girls observing the freedom enjoyed by their European neighbours would, in all likelihood, be encouraged to demand at least some advance to a similar freedom for themselves. Similarly, if the smell of curry cooking in Hindu households proved obnoxious to European households, it is almost certain there would be some objections by Hindus to certain European customs, for example the cooking of roast beef and roast pork, which are items of taboo.

There were preliminary discussions with the Administrator and

others before the deputation saw Smuts. It has been stated that the Administrator was not friendly to the Agreement and, in fact, did not fully understand it.<sup>1</sup> However, Smuts signed the Agreement, and in a short speech congratulating the deputation, he reminded the Indian delegates of his negotiations with Gandhi, and of the necessity for Indians and Europeans to learn to live at peace with one another. He himself sent off a message by cable to the Viceroy of India informing him of the felicitous arrangements, and instructing Senator Clarkson to send a statement to the Press.

If this agreement had been accepted, each side giving up something for the sake of a peaceful settlement of the agitation, an immense step forward would have been taken towards the establishment of improved Indo-European relations in South Africa. The fact that two members of the board were to be Indians gave the Indian community an assurance that their interests would be adequately protected.<sup>2</sup>

The newspapers and the public had been inadequately prepared for the new move and its implications were received with a surprising lack of comprehension. Further, bodies whose co-operation was essential had not been consulted in advance and found themselves unwilling to agree to the new plan. The reports on the agreement which appeared in the three Natal daily newspapers, the *Natal Witness*, the *Natal Mercury*, and the *Daily News* contradicted each other, and were not in harmony with the agreement itself. Excited public meetings were held, at one of which Mr. D. E. Mitchell was shouted down when he tried to read a message from Field-Marshal Smuts. When finally the terms of the agreement were understood, it was found that 'residential juxtaposition' was not regarded as the only issue.

The Natal European public attached equal, if not greater, importance to the prohibition of the acquisition of land by Indians without occupation. The Indians on their side, were equally taken aback and equally hostile. They denounced the Pretoria Agreement as a betrayal by their leaders, since it involved a voluntary expansion of segregation. They suspected an agreement which was so favourable to the wealthy Indians who alone would be able to acquire, without occupation, property in European areas. The Administrator, however, felt that it was his duty to endeavour to carry out his part of the agreement. He, therefore, set about introducing the necessary ordinance in the Provincial Council. The first draft was withdrawn, as the Natal Indian Congress took the view that it was at variance with the terms of the agreement. A second draft was therefore prepared, a Draft Occupational Control Ordinance, and

<sup>1</sup> Calpin, op. cit. pp. 194-8, 206-12.

<sup>2</sup> I remember the satisfaction with which I read of this agreement in the newspaper, and my belief that here at least a step had been taken towards the amelioration of relations between Indians and Europeans in Natal. But it was not to be.

<sup>1</sup> Calpin, G. H., *Indians in South Africa*, 1949, p. 194.



was accepted by the Union Government, the Natal Provincial Administration, i.e. the Administrator and the Executive Committee, and the Indian Congress; but when it was published it was clear that there would be strong opposition in the Provincial Council.

Meetings were held, especially in Durban, at which resolutions were passed calling on individual provincial councillors to oppose it. Finally, those who were responsible for the draft ordinance asked the Council to refer it to a select committee before the second reading. The select committee reported on 17 October 1944, submitting an entirely new draft ordinance. This, however, was opposed by the Natal Indian Congress and leave was granted for its representative, Mr. Kajee, then still a member of the commission,<sup>1</sup> to appear at the bar of the Provincial Council to address it. Notwithstanding this, the draft ordinance passed through all its stages in the Provincial Council by 2 November 1944, but still had to receive the consent of the Governor-General-in-Council. Of this draft ordinance the Broome Commission in its Interim Report of 1945 stated:

It is quite obvious that this Ordinance goes far beyond the terms of the Pretoria Agreement. First, it controls occupation in all boroughs and townships in the Province, whereas the Pretoria Agreement provided for the control of occupation in the first instance in Durban only, and in other boroughs and townships only after an enquiry by the Board consisting of two Indians, two Europeans and an European chairman. Secondly, it controls acquisition as well as occupation, whereas the Pretoria Agreement provided for the control of occupation only. Third, it sets up machinery of a permanent character, whereas the Ordinance contemplated in the Pretoria Agreement was expressly stated to be 'of a temporary character'.<sup>2</sup>

The Broome Commission went on to say:

The main object of the meeting [at Pretoria] was to provide by agreement some measure of control to replace the Pegging Act, which was deeply offensive to Indian susceptibilities. As the Pegging Act was a temporary measure, so the alternative form of control was to be temporary also. The agreement was only made possible by the Natal Indian Congress' assumption that juxtapositional residential occupation of Europeans and Indians had brought about 'a situation to be faced'. They were prepared fortunately to submit to control of occupation, but to no further control. It is therefore altogether unjustifiable to suggest that the Congress having been a party to the Pretoria Agreement

<sup>1</sup> It should be noted that the Third Broome Commission, of which Mr. Kajee was a member, was still investigating Indian affairs in Natal while negotiations were proceeding for the Pretoria Agreement.

<sup>2</sup> *Interim Report of Third Broome Commission*, U.G. 22, 1945, p. 7.

ought to have accepted the Ordinance as being an implementation of it.<sup>1</sup>

The immediate reactions to the passing of the ordinance through the Provincial Council were very unfortunate. In the first place, the two Indians resigned from the board which was to administer the ordinance, on the grounds that the new ordinance was not in harmony with the agreement into which they had entered in Pretoria. The Natal Indian Congress strongly supported this attitude, asserting that the new ordinance was a breach of faith and passed a resolution calling on all Indians 'to pursue to the limit a campaign of publicity and propaganda, in this country and abroad, to direct attention to the various disabilities imposed upon Indians in South Africa'. In the second place, the Broome Commission itself decided that under these circumstances it was useless for it to continue its work. When it was appointed in March 1944, it stated that the 'prevailing atmosphere was favourable to a friendly and fruitful enquiry'. But 1945 presented a very different scene.

There was in March 1944, for the first time in many years, one united body, the Natal Indian Congress, representing the Indian community. Two of its members, Mr. A. I. Kajee and Mr. S. R. Naidoo, had accepted membership on the commission and were working with the full co-operation of the Congress. The European community, though perturbed, was not yet openly hostile. But with the presentation of the report from the select committee on 17 October, the situation definitely deteriorated. Mr. D. E. Mitchell, who had been the chairman of the select committee, replaced Mr. Heaton Nicholls as Administrator. On 7 December, the resignations of Messrs. Kajee and Naidoo were received. When in February 1945, the commission attempted to resume its public sittings which had been suspended after the passing of the draft ordinance, it found that no Indians would co-operate. Every individual Indian body which had previously notified its desire to give evidence, now refused to appear. It was thereby obvious that the enquiry could not be satisfactorily conducted if the complainant Indians did not put in an appearance to formulate their grievances. The commission, therefore, decided to bring its work to an end, with the issue of an Interim Report. In its recommendation was made for another Round Table Conference to be held between the Union and India, with the object of finding a solution of the Indian problem in South Africa.

Europeans, however, violently opposed this suggestion, as it was felt that the Round Table Conference of 1926 had not led to any satisfactory outcome. The Prime Minister, Field-Marshal Smuts, refused assent to the Natal Provincial Occupation Control Ordinance, and prepared to introduce new legislation into Parliament to replace the Pegging Act, which was due to expire in 1946.

<sup>1</sup> *Ibid.*

The bill which he introduced, namely the Asiatic Land Tenure and Indian Representation Bill, was in two parts, one dealing with the acquisition and occupation of land by Asiatics in Natal and the Transvaal, for which a special board was to be established called the Asiatic Land Tenure Board,<sup>1</sup> and the second providing for the special representation of Indians on a communal basis in Parliament and in the Natal Provincial Council. He rejected the proposals in the Broome Commission Interim Report for a renewed attempt to establish a Round Table Conference between India and South Africa. He felt it was too late, and that the chances of a satisfactory solution being found were very remote. Further, he emphasised the view that the matter was one of domestic jurisdiction only.<sup>2</sup> Smuts felt that if he agreed to another Round Table Conference in 1946 he would be retreating from that principle just at the time when it was most important to uphold it. He then introduced the bill<sup>3</sup> and urged that it should be passed immediately without any reference to the select committee.

The debate on the bill was the longest ever held in the House of Assembly, but in the end it was placed on the Statute Book without any essential amendment. Dr. Malan, on behalf of the Opposition, approved of the segregation of the races in residence and ownership of property, pointing out that this already existed in respect of the Native population. But he vehemently opposed the proposal to give the Indians three representatives (who would be Europeans) in the House of Assembly. He was backed with even greater fire and passion by many members of his own party. One member from the Orange Free State spoke violently against the possibility of the abolition of the provincial barriers against Indians which might follow, though this, in fact, was not one of the provisions of the bill before the House. He said he represented a district on the Natal border 'where the first Indians will be met who will swarm over the Drakensberg in a black cloud if the gates are thrown open, but I tell you that we will stand at the ready with machine guns to avert the danger. If we have to perish, let us perish as an honourable people'. The Dominion Party, hampered as it was by its advocacy of the colour bar on the one hand, which it felt was essential to safeguard the position of its members against the threat of the competition of cheap labour, and, on the other, by its general advocacy of its democratic principles, took no definite stand. Therefore, in the end the bill was passed<sup>4</sup> and a new stage in the history of Indians in Natal was ushered in.

<sup>1</sup> The board was to contain two Indian members.

<sup>2</sup> This was the line which was to be followed later when the matter was referred to the United Nations.

<sup>3</sup> In this new Act, Smuts had changed the standpoint he had taken in the Pretoria Agreement. Now Smuts felt compelled to uphold the European point of view, and therefore brought *all* acquisition of land, whether for investment or occupation, within the scope of the new bill.

<sup>4</sup> This Act provided the pattern for the later Group Areas Act.

## CHAPTER VII

### PASSIVE RESISTANCE

BEFORE examining the reaction of the Indians in South Africa and the Indian Government to the Asiatic Land Tenure and Indian Representation Act, we must first consider certain changes which took place in the political organization of the Indian community. A new element had arisen in the re-united Natal Indian Congress: it was joined by a number of young men of quite a different type from the old adherents. Indian education had made considerable progress and was largely responsible for the emergence of this new element. The Natal University College since 1936 had offered part-time university courses for Indians preparing for the degrees of the University of South Africa and, in addition, a number of Indians had taken degrees externally by private study. A certain number of wealthy Indians had sent their sons and daughters overseas to study, and when they returned to South Africa they naturally were opposed to the many restrictions imposed on them. It is important to note that South Africa was by this time undoubtedly their native land, since the greater number of Indians in South Africa were born in that country and were, therefore, Union nationals.<sup>1</sup> In addition, the trade union movement was making progress among the Indians, and the appearance of Indian trade unions with competent Indian secretaries was a decided achievement.

These younger, more energetic, more impassioned individuals found themselves in opposition to the long-established Congress, with its small group of relatively elderly wealthy officials, and it must be admitted that they had some grounds for complaint. The Congress had not always been very businesslike in the conduct of its public affairs. The officials did not collect members' subscriptions regularly, and when the need for money arose, one or two of the

<sup>1</sup> In many cases, too, their fathers had been born in South Africa, and they were, therefore, the third generation of Indians living in South Africa. It may be remarked that it is still not common to find third generation Europeans in Natal. There is an interesting tale of an Indian who was being told by a European that he was an alien in South Africa. His response was to enquire where his interlocutor was born. The answer was 'In Stockport, England'. The Indian replied, 'Yes, sir, I was born in Isipingo and so was my father. Which of us is the alien?' The Third Broome Commission estimated the number of Indians in South Africa as 220,000 of whom the vast majority were born in Natal. U.G. 22, 1945, para. 57, p. 15.

wealthiest members would meet the emergency. The Congress had no regular office, and records were kept in the private home of whoever happened to be the secretary. Naturally, under these circumstances, records got into such confusion that when a little later on this young rebellious section took charge, they could for instance find no copy in the records of the Smuts-Gandhi Agreement of 1914! Lastly, the Congress had been very lax in adhering to the terms of its constitution. The constitution, for example, provided for an annual general meeting of members. If, however, it was not convenient to hold an annual meeting one year, it would be deferred to the following year.

So unsatisfactory was the situation that the rebellious section formed themselves into a separate body called the Anti-Segregation Council, and proceeded to take independent action, to the extent of telegraphing their rejection of the Pretoria Agreement of 1944 to the Prime Minister and sending cables to the Government of India denouncing the Congress leaders. The more moderate Congress leaders did not meet this new situation tactfully. They tried to put down the Anti-Segregation Council and, in order to give themselves time, postponed the annual general meeting till the following year on the grounds that they were considering the introduction of a new constitution. However, the Anti-Segregation Council was much too vigorous and too independent to be suppressed so easily. They proceeded to enrol many new members of the Congress to which, on the surface at all events, the Congress officials could take no exception. The new group sent its emissaries throughout Natal holding meetings and enrolling many new members, who immediately gave their support to the Anti-Segregation movement. The rebels also applied to the courts for an injunction ordering the Congress to hold its annual general meeting in accordance with its constitution. This was granted and the judge commented very severely on the unconstitutional methods of the officials. The latter asserted that their constitution was out of date and that they were preparing a new one with a more democratic method of election, but the Anti-Segregation Council insisted that the injunction be respected and that an election be held before the new constitution was adopted.

The annual meeting and elections were held on 21 October 1945, at Currie's Fountain, then the Indian sports ground. This was the first Indian Congress election in which internal political issues predominated. The two main parties contesting the election were the old Congress officials led by Messrs. Kajee and Pather, a narrow clique, strongly resenting criticism and any introduction of new blood, but with long experience and an understanding of the fact that some concessions had to be made to European opinion. They were opposed by the Anti-Segregation Council, younger men with no experience at that time of public affairs but with energy and enthusiasm, and representing, on the whole, the mass of the poorer Indians.

There were other points of difference between them and the old group. There was a certain infiltration of communist tendencies among the former.<sup>1</sup> Further, the Anti-Segregationists were in favour of a united front among all non-Europeans, including Coloured and Africans. This policy was strongly opposed by the High Commissioner for India, Sir Shafa'at Ahmed Khan, and it was understood that the Government of India at that time also disapproved of it; it was, of course, wholly contrary to the traditions of the older Congress leaders. There was a third party led by the outstanding Parsee, Mr. Sorabjee Rustomjee. His party was opposed to the Kajee-Pather section, but on the other hand was not altogether in favour of the tactics of the Anti-Segregation Council. In the end, however, the election resolved itself into a contest between the Kajee-Pather group and the Anti-Segregationists. Much bitterness and friction was engendered and some Europeans feared that the elections, which were to be decided by the showing of hands at an open air meeting, would result in a riot. The Police Force organized a strong guard outside the Currie's Fountain Ground in readiness to quell any possible disorder. The meeting, however, passed without incident. It was so obvious that the Anti-Segregation Council had an overwhelming majority through the many recruits it had enrolled that the old Congress party simply withdrew, putting up no candidates, thus giving the Anti-Segregationists an easy victory. The Indian community as a whole adopted the same attitude.<sup>2</sup>

Therefore, at this critical moment, the leadership of the Indians in Natal fell into the hands of men, who, though immensely energetic and enthusiastic, had no experience of public affairs and tended to be doctrinaire in their approach to the problems of the Indian community in Natal. They were also extremely naive. They immediately asked permission to send a deputation to Field-Marshal Smuts and were received by him with great kindness in the Union Buildings. He showed them over the Buildings, made agreeable speeches to them and sent them back to Natal very much pleased with their reception.<sup>3</sup> But the kindly attitude of Smuts was only a camouflage to his fixed determination to pass the Asiatic Land Tenure and Indian Representation Bill.

The new Congress officials did, however, put the affairs of the Congress on a more business-like footing. They occupied proper offices and proceeded to organize their records and papers. They also introduced a new constitution providing for branches throughout Natal and for the holding of a delegates' meeting annually at which new officials of the central organization would be elected.

<sup>1</sup> Some members of this group were later 'named' as communists under the Suppression of Communism Act, No. 44 of 1950.

<sup>2</sup> cf. Calpin op. cit. pp. 215-16, also footnote 2, p. 215.

<sup>3</sup> cf. Calpin, op. cit. p. 217.



A similar movement took place in the Transvaal under Dr. Dadoo, so that hereafter the two Congresses—one in Natal and the other in the Transvaal—could work together along the same lines, and together they reorganized the South African Indian Congress. Meanwhile, officials of the old Congress formed themselves into a new body—the Natal Indian Organization, under the leadership of Mr. Kajee and Mr. Pather—so that once again the Indians in Natal were split into two bodies. This situation has continued.

Such a development at that particular time was most unfortunate. It was true that the former Natal Indian Congress needed reorganization for the reasons indicated above. But the old Congress possessed men of experience in the management of affairs, and to some extent a statesmanlike outlook. Had the old Congress met the rebels with more understanding and tact, and arranged to give them a share in the management of Indian affairs in Natal, a body might have arisen that combined the experience of the old with the energy and enthusiasm of the young. Unfortunately this was not done, and instead there was a complete cleavage between the older and wealthier Indians and those who were younger and more enthusiastic. The new Congress stood for the complete equality of the Indian with the European; it demanded the total abolition of all restrictions and the immediate enfranchisement of Indians on the same basis as Europeans.

Within a short time, this new Congress was faced with the task of dealing with the situation produced by the passing of the Asiatic Land Tenure and Indian Representation Act.<sup>1</sup> It began by dubbing this new legislation the 'Ghetto Act' which was a complete misnomer and exaggeration. Whatever might be the fear for the future, nothing like ghettos yet existed in South Africa. As already stated, the conditions of the Indians in Natal are bad enough without any gratuitous exaggeration. There are very bad slums and one in particular, a portion of the Magazine Barracks in Durban is directly under the control of the Durban Corporation. It has been condemned over and over again by medical officers. Fortunately some steps have been taken to improve conditions though much remains to be done. On the other hand, many Indians have pleasant houses in quite agreeable surroundings, for instance in the Currie Road area, where penetration by Indians produced the second Broome Report of 1943.<sup>2</sup> Using this term, the Ghetto Act, the Congress immediately began a campaign of unlimited opposition to the new legislation. It refused, in the first place, to take advantage of the opportunities for communal representation given by the Act. It refused to nominate candidates for the next Union General Election, and, as a result, Indians are still without representatives in the Union Parliament. In any case the amount of represent-

<sup>1</sup> No. 28 of 1946.

<sup>2</sup> cf. Chapter VI, p. 121.

ation offered was inadequate. It amounted to three European representatives in the House of Assembly, and four Europeans with seats in the Senate. This could have had practically no influence on the course of events, except in providing a platform from which the Indian case could be presented to a probably hostile audience. Whether they were right or wrong in this decision is a very debatable question. 'Half a loaf is better than no bread', and perhaps they should have availed themselves, as the Africans did under similar circumstances, of the opportunity of having their own spokesmen in the Senate, even although these members were Europeans.<sup>1</sup> On the other hand, the Indians argued that the communal franchise was not an opening, but a cul-de-sac, which would eventually prevent future development.

The history of the communal franchise in the British Commonwealth certainly bears out this argument. Nowhere has the communal franchise been a success except in New Zealand, where it is merely an alternative to registration on the common roll.<sup>2</sup> In Ceylon, on the other hand, as long as the communal franchise continued, there was constant friction and occasional outbursts of racial rioting, for example, that of 1915. The communal franchise was abolished in Ceylon in 1929, and since then the country has steadily progressed, having attained Dominion Status in 1948.<sup>3</sup> Prior to the attainment of independence, India also made use of the communal franchise, but it was abolished in the new Indian constitution.

The drawback of the communal franchise is that it splits the country into separate sections, each thinking more of its own interests than of the welfare of the country as a whole. Further, it encourages the election of extremists rather than of more moderate and reasonable persons. Each section tends to elect the person who stands most strongly for its own interests, whereas if the election is based on a common roll, the candidates, having to secure the votes of all sections, will tend to be less imbued with sectionalism and more conscious of the interests of the whole state.

In 1949 the Nationalist Government of the Union of South Africa abolished that section of the Act of 1946 which provided for Indian representation, so that once more the Indians have legally no share in the government of the country.

The Asiatic Land Tenure and Indian Representation Act of 1946 was noteworthy in two respects. In the first place, it was the first Act of the Union Parliament which imposed a positive

<sup>1</sup> The Africans in the Cape have in addition three representatives who sit in the House of Assembly. These are all Europeans, one of the most outstanding of whom is Mrs. Margaret Ballinger.

<sup>2</sup> There are four Maori seats in the House of Representatives which are held by Maoris and not by Europeans, but any Maori who goes to live in the European area can apply to be transferred to the common electoral roll for that area.

<sup>3</sup> Carrington, C. E., *The British Overseas*, 1950, pp. 953-5.

disability on the Natal Indians, and in so doing violated the conditions under which the Indians were first brought into Natal. It will be remembered that one of the conditions laid down by the Indian Government was that once the immigrants had worked out their indentures, they should come under the ordinary law of the country, and should not be subject to any specific discriminations. It is true that a good many negative discriminations had been imposed on them, such as the loss of the parliamentary and municipal franchise, but this was the first occasion on which the law definitely and positively discriminated against them.

In the second place, the Act did, at least by implication, recognize that the Indians were a permanent part of the population of South Africa. Hitherto the attitude had been that they were an alien population and one which ought to disappear in the course of time. That attitude, of course, still persists among the more extreme participants in the anti-Indian agitation, which includes members of the English as well as of the Afrikaans-speaking people of South Africa. The Legislature, at all events, by passing this Act admitted by implication that the Indians were in South Africa to stay.

The Indian Government was incensed by the Act and the refusal of a request for another Round Table Conference. As a protest it withdrew the High Commissioner, Sir Shafa'at Ahmed Khan. Since that time there has been no Indian High Commissioner in South Africa and the office has been served merely by a Secretary.<sup>1</sup> After the partition of India, Pakistan did not appoint a High Commissioner for Pakistan in South Africa. Furthermore, the Indian Government applied trade sanctions, and prohibited all export and import trade between India and South Africa. The Union adopted the attitude that this was not of much consequence, but, as a matter of fact the stoppage of jute exports to the Union seriously interfered with the transportation of cereals and other commodities. There were also restrictions placed upon the entrance of South Africans into India, and one Indian hotel actually refused to accommodate South Africans.

Two important steps were taken by the new Congress. In the first place it stated its intention of launching a second passive resistance campaign. It declared that numbers of Indians, as a protest against the so-called Ghetto Act, were prepared to break the law and submit to arrest and punishment. These Indians began by camping on an unused piece of ground which formed the junction of two main roads in Durban. At first it looked as if the proceedings would come to nothing, as the police took no action against those Indians who had established themselves in tents. Very soon, however, disturbances arose through attacks on the Indians by groups of European hooligans. This forced the police to intervene. Numbers

<sup>1</sup> At the request of the South African Government in August 1954, the office was closed completely and even the Secretary withdrawn.

of Indians were arrested and brought to court for trial. At one hearing the magistrate lectured them severely, asserting that their attitude was quite uncalled for in a democratic country where there were other means of expressing their grievances without breaking the law. The Indians present, not unjustifiably, greeted this statement with a burst of laughter.

This situation persisted for some months. Fresh batches of Indians, including some educated Indians of the professional classes, offered themselves for arrest and were duly sentenced and sent to prison. Dr. Naicker, for instance, the new President of the Congress, was sent to prison and put to breaking stones. Indian women took part and were subjected to usual prison discipline. Some highly educated and cultured women<sup>1</sup> suffered considerably from the prison diet which was quite unlike their ordinary Indian food. It was estimated that nearly two thousand Indians went to prison, offering no resistance either to their arrest or to their treatment in prison.

One of the disquieting features of this situation was that these protests aroused no sympathy whatsoever among the European population of Natal. European public opinion simply did not care that Indian doctors were set to breaking stones and similar manual occupations; that they were subjected to many indignities and humiliations; that the health of many of them suffered as a result of prison conditions. No protests whatsoever in regard to the treatment of the Indians were received from the Europeans. This is a very marked contrast to the similar situation produced by the suffragette movement in England.<sup>2</sup>

Shortly afterwards, passive resistance took another form, again in imitation of an earlier Gandhi movement, though on nothing like so large a scale. A number of Indians in Natal crossed without permit into the Transvaal and were, of course, immediately arrested and sent to prison. Finally, in 1947, passive resistance came to an end and the Indians turned to other forms of agitation. Certainly the passive resistance movement did not produce the effect that had been expected, possibly because of inadequate funds and insufficient publicity.

The second important move made by the new Congress, which was prompted by the passing of the Asiatic Land Tenure and Indian Representation Act, was its request that the Indian Government bring the position of the Indians in South Africa before the

<sup>1</sup> Among these were the sister-in-law and niece of Mr. Sorabjee Rustomjee.

<sup>2</sup> The reaction to the similar suffragette agitation in England was quite different in that numbers of people who had previously taken no interest in women's enfranchisement were moved by the imprisonment of women whom they had known, to look into the question and were not infrequently convinced that the women had justice on their side—a fact that is now generally recognised. In South Africa however, the races are so separated that the feelings of interest and often of sympathy which were aroused in England when a personal friend was sent to prison do not appear in South Africa.

United Nations. But before we discuss this in detail, it is desirable to note the radical change which came over South African politics when the Nationalist Party won the General Election of May 1948.

The attitude of the Union Government changed not only in international questions, but in every aspect of government. The Nationalist Party did not, in fact, poll a majority of votes, but owing to the peculiar method of weighting the country constituencies they carried a sufficient number of seats to give them a small majority in both the House of Assembly, and the Senate. Consequently, except in the case of legislation entrenched by the Act of Union and requiring a two-thirds majority of both Houses sitting together,<sup>1</sup> they were able to pass any laws they wished. As they had been largely elected on a policy emphasizing the dangers to white civilization of the predominance of non-Europeans in the Union and the desirability of 'apartheid' or separateness, it was only to be expected that they should immediately proceed to put the policy into effect. Not that their policy differed fundamentally from that of their predecessors in office, the United Party, which had shown little liberality towards non-Europeans though certain individual members of the party, notably the late J. H. Hofmeyr, distinguished themselves in advocating a policy of justice for the Africans. But these exceptions had little influence on the general policy of the United Party, which had passed the Asiatic Land Tenure and Indian Representation Act and had suppressed strikes among the Natives on the mines and elsewhere in 1947; they too, had so neglected and snubbed the Native Representative Council that it finally refused to hold any more meetings.<sup>2</sup> But whereas the non-European policy of the United Party was vague and drifting, awakening to definite action only when a sense of grievance or a danger was acutely felt by an influential body of white voters, the Nationalists took office, if not with a clearly defined policy, at least with a definite ideology and a desire to work out this ideology in all its detail.

Briefly they believed that the future of Europeans and their civilization would be gravely menaced in South Africa unless there was a complete separation between Europeans and non-Europeans.

<sup>1</sup> For example, the bill of 1951, withdrawing Coloured voters in the Cape Province from the common roll and replacing them on a separate roll with the right to elect representatives, who must be Europeans, to the House of Assembly, was passed by a simple majority in both Houses sitting separately and was in 1952 declared invalid by the Appellate Division of the Supreme Court. When, however, the reconstitution of the Senate under Act 53 of 1955 enabled the Government to pass the bill with a two-thirds majority of both Houses sitting together, the Appellate Division in a subsequent case in 1956 declared the Act valid. The effect of this legislation is that Coloured voters are removed from the common roll and will in future separately elect as their representatives four Europeans in the House of Assembly, one European in the Senate and two Europeans in the Cape Provincial Council.

<sup>2</sup> The United Party Government put down an African mine workers' strike in 1947 with some severity, notwithstanding the protests of the Native Representative Council, which adjourned *sine die*.

The more extreme theorists among the Nationalists<sup>1</sup> advocated complete territorial segregation with separate areas for Natives where they should to a large extent manage their own affairs and develop their own culture. The Indians in South Africa were to be regarded as aliens and should be repatriated, if not directly by compulsion, by making their lives in South Africa so uncomfortable that they would try to escape.<sup>2</sup> The Nationalists inevitably encountered many difficulties in carrying out such a policy. The ordinary citizen, though willing enough to vote for apartheid when conceived generally as a means of 'keeping the kaffir in his place', was taken aback when he discovered that in its strictest interpretation it would deprive him of his Native servants and labourers. The Prime Minister had to explain hurriedly that no such step was contemplated and that the Natives would continue to enter European areas but would in future be more strictly controlled. It has, however, proved unexpectedly difficult to work out the details of an apartheid policy. That it is still popular with the white voter has been shown by the Party's subsequent victories at the polls.

Before going on to the special position of Indians we may perhaps just briefly note two general reactions to Nationalist policy. The United Party has now definitely acknowledged the 'economic integration' of the African into European society, and is giving faint signs that on facing the real facts of the situation a more positive policy may be built. But the United Party is still dogged by the indecisive vagueness which characterized it before the Nationalist victory. There is apparently a struggle going on between the more liberal elements and the reactionaries inside the Party.

Another reaction was the definite emergence of a Liberal Party with a policy for the ultimate abolition of race discrimination. It is still a mere handful, and its candidates so far have not only failed to win an election, but have polled so few votes that they have all,

<sup>1</sup> Most of these theorists are members of the South African Bureau of Racial Affairs. It consists very largely of Professors from Afrikaans-speaking Universities and provides the theoretical background to the Nationalist policy. Some of its members are in favour of complete territorial segregation and envisage the setting up of very large areas as Native States though they would still come under the control of the Union. This is often described as a policy of 'Bantustan'. They admit that this will involve sacrifices on the part of the white population who would increasingly be deprived of some of their land and who would have to undertake their own manual work in their own areas, but they believe that in the interests of the continuation of white civilization in South Africa this burden must be shouldered.

In contrast, there exists another body, the South African Institute of Race Relations, founded in 1929, which has provided a great deal of information, carefully collected and impartially set forth with the object of turning light on the racial problems of the Union. For a long time it was merely a fact-finding body not advocating any particular reforms. It stands for the principle that the non-European people, especially the Bantu, are an integral part of the South African population, and are, therefore, entitled to a share in the political representation of the country.

<sup>2</sup> Speech by Dr. Malan at Paarl on 20 April 1948.

with the exception of two, lost their election deposits.<sup>1</sup> But the very existence of a Liberal Party in South Africa is a notable development.

After these introductory remarks, we can now return to the effect of the Nationalist policy on the Indians. A beginning was made in 1949 by repealing the section of the Asiatic Land Tenure and Indian Representation Act of 1946, giving a limited communal franchise to Indians. But as the Indians had steadfastly refused to put forward candidates, this made no essential difference.

Then the Nationalists passed the Suppression of Communism Act of 1950<sup>2</sup> which gave wide powers to the government, without appeal to the courts, to name and prevent from taking part in any political or trade union activities, former members of the Communist Party. The government may also ban from public life any other person who, in the opinion of the Minister of Justice, promotes the objects of communism.

The Indians are greatly affected by this Anti-Communist Act. Many of their leaders, including Dr. Naicker, President of the Natal Indian Congress, have been banned and so prevented from attending public gatherings. No one knows who will be the next. Another source of irritation and unrest was the proposal in 1953, to review the regulations governing the entrance of Indian wives and minor children into the Union. The Minister suddenly announced that he intended to introduce legislation on the subject and that pending that legislation there would be restriction on the entrance of Indian wives and children from the date of his announcement. This meant retrospective legislation and was of doubtful legality. Several Indian wives were denied admittance and a few were actually in prison for a day or two. But so vigorous were the protests that ultimately all were admitted on sufferance. This policy was embodied in a law in 1953 though it was not made retrospective. However, the law is often administered with great harshness.<sup>3</sup>

But that portion of the Nationalist Government's policy which most menaces the Indians is the Group Areas Act, which provides for the setting aside of separate areas for business and residence for Whites, Coloured and Natives. This in form is not discriminatory

<sup>1</sup> The exceptions are the Hillbrow candidate in the Johannesburg municipal elections of 1953, and the Cape South Peninsula candidate in the provincial election of 1954. It is interesting to note, however, that Mrs. Ballinger, Native Representative for the Eastern Cape, was the leader of the Liberal Party, and she and her husband, Senator Ballinger, are members of the Executive.

<sup>2</sup> Followed by the Suppression of Communism (Amendment) Act, No. 50 of 1951.

<sup>3</sup> Act 43 of 1953. Also see my article which appeared in the *National Council of Women News*, May 1954, pp. 76-86 where I recalled the experience of an Indian who went to India to fetch his son who could be admitted to South Africa as long as he was under 16 years of age. Owing to delays, the pair landed in Durban a few days after the boy's 16th birthday and he was refused admittance.

against Indians, for on paper the Act deals with all communities alike. The Indians, however, were and still are convinced that it is aimed mainly at them; that they will be required to move their shops to the purely Indian areas; and that their share of the Union's trade will be seriously diminished.

This is a very complicated piece of legislation and no attempt will be made here to deal with it comprehensively.<sup>1</sup> It is in no way a completely new departure from previous policy. The provision of segregated areas for particular groups of the population is an old story in South Africa. It was practised from the very beginning when the early Dutch settlers at the Cape endeavoured to fix a boundary line between themselves and the Hottentots. Natal adopted it later, in the nineteenth century, when Shepstone set aside considerable areas for the benefit of Bantu tribes. In the Cape Colony very considerable areas of land were allocated for the use of the Natives. In the Transvaal a similar policy was followed, though not on so generous a scale. The passing of the Native Land Act, No. 27 of 1913, was the initial step in the direction of the practical application of this principle of territorial segregation in the Union. Its object was to check the indiscriminate occupation of land by Europeans and Natives, and it made provision for permanent Native areas outside of which Natives would not be permitted, without special permission, to acquire land. 'In furtherance of these objects, the Act provided that, except with the approval of the Governor-General, a Native might not acquire from a person other than a Native, nor a person other than a Native from a Native, any land or interest in land in any area outside the Native areas described in the schedule to the Act, and that, without such approval, no person other than a Native might acquire any land or interest in land in a scheduled Native Area.' It is interesting to note that these scheduled Native areas included the then existing Native reserves and locations throughout the Union as well as much land privately owned by Natives.<sup>2</sup> When Indians began to immigrate into the Transvaal, the South African Republic had required that Indians should reside in specified districts or 'bazaars' set apart for them, though these laws were never very strictly enforced.

But the new element that emerged in the Group Areas Act was that the same principle was applied universally and the whole country was to be divided up into areas each to be inhabited exclusively by members of one race group. Further, in the case of

<sup>1</sup> Readers who wish for such a comprehensive account are referred to Mr. Kenneth Kirkwood's pamphlet *The Group Areas Act*, published by the Institute of Race Relations; also *An Explanation of the Group Areas Act, 1950* by Edgar S. Henochsberg, Q.C., Butterworth & Co. Ltd., Durban, 1950; also *Durban Housing Survey*, N.R.S. Add. Report No. 2, 1952, pp. 409 ff.

<sup>2</sup> For further information on this see Rogers, H., *Native Administration in the Union of South Africa*, pp. 165-71.

Indians, it disregarded that respect for vested rights which was part of the Smuts-Gandhi Agreement. No doubt the Asiatic Land Tenure and Indian Representation Act of 1946 acted as a powerful stimulus to this policy. The Group Areas Act was in form equitable as between the different races; each was to have its own area. The Nationalists asserted that this would prevent racial friction, which, they declared, arose from too close contact between people of varying customs and different levels of culture. The Act, it should be noted, does not itself define these areas; it merely provides the machinery through which the demarcation is to be made. The Act itself specifies three groups: White, Native, and Coloured, and since then there have been added by proclamation, in March 1951, as sub-divisions of the Coloured group: an Indian, a Chinese, and a Malay group.<sup>1</sup> It is intended that ultimately only persons of the group to which the area is allocated shall be allowed to acquire, own or occupy land and premises within that area, though certain other persons such as missionaries, bona fide servants or employees of the State or of a statutory body, domestic servants or bona fide visitors, may temporarily reside within the area.

The procedure for establishing Group Areas is that such proposals first go before the Land Tenure Advisory Board which is appointed by the Minister of the Interior, and that the board, after giving to the public an opportunity to make representations and considering the availability of accommodation for persons who will be displaced, shall then make a report to the Minister. But the board is not obliged to find alternative accommodation nor is the Minister obliged to accept the advice of the board. Within fifteen years of the passing of the Act parliamentary approval for the proclamation of Group Areas is not necessary. Therefore, the power to establish Group Areas is mainly in the hands of the Executive and especially the Minister of the Interior. There are various provisions for the establishment of self-government in Group Areas and various distinctions between full Group Areas and controlled areas and specified areas, the two latter being steps towards full Group Areas. These various terms, stages and definitions will probably provide ample employment for lawyers and law courts in the future, but perhaps the above outline is sufficient for this book. We can now consider how this Act affects Indians.

They know only too well that they are the least popular section of the population. They have no vote and can, therefore, bring no pressure to bear on either municipal, provincial or Union authorities. Unlike the Africans, they have no areas permanently allotted to them, which can be to some extent a refuge. The Indians are

<sup>1</sup> This group exists mainly at the Cape and consists of descendants of freed slaves often brought from the East, and contains a considerable number of Mohammedans. For additional information cf. *The Cape Coloured People* by J. S. Marais, London 1939; *The Cape Malays*, by Dr. I. D. du Plessis, Institute of Race Relations Publication.

integrated into the European economy; the wealthier ones are merchants; the middle class are lawyers, teachers, doctors, and clerks; the poorer ones are artisans, small farmers, market-gardeners, hawkers, stall-holders, petty traders, and unskilled labourers. In almost every case their livelihood depends on their easy access to European, Native and Coloured customers. Should the merchants be relegated to their own remote districts of the town their trade would be so considerably diminished that they could not possibly keep their business going; the market-gardeners sell very largely to Europeans; the lawyers must have offices near the law courts; the craftsmen (printers, cabinet-makers, tailors, etc.) and factory and office workers must be able to get to their places of employment.<sup>1</sup>

They know, too, the strong wish of the government to drive them out of South Africa, and they greatly fear that the grievances which they may come to suffer through the Group Areas Act, so far from moving the authorities<sup>2</sup> to make a just and reasonable allocation will actually be welcomed as paving the way for their departure from the country. And they have for nearly five years now endured a state of complete uncertainty.

The work of the Land Tenure Board and its sub-committees has proved so difficult and contentious that very few proclamations, and those unimportant, have actually taken place. In February 1955, the Land Tenure Board asked the Durban City Council to submit proposals for the racial grouping of the so-called 'working area', including the racially mixed commercial and residential area in the centre of the Old Borough. The first proposed allocation in Durban was made by a committee consisting of municipal officials known as the Technical Committee, which carried out a very elaborate investigation of the issues involved in the new Act. The committee suggested that the central areas of the Old Borough should remain free to all races, so that the fears of the Durban Indians with regard to their trading rights were to some extent allayed. It also proposed that an area extending west from Durban and containing a considerable number of European inhabitants should be allotted to the Indians who would be moved from their present residences inside the Old Borough of Durban. But there was an immediate outcry from the European residents of Sea View and Hillary, and since they are voters, the plan was hastily modified. The Technical Committee also provided that where an area occupied

<sup>1</sup> We may contrast this with the new Southern Rhodesian Land Act which specially provides that non-European professional men should have their offices in European areas.

<sup>2</sup> In at least one instance, however, the Land Tenure Board was so struck by the injustice of the proposal of a Transvaal town to move the Indians miles away from the area in which they were established, that the board refused its consent. cf. *Survey of Race Relations in South Africa, 1954-55*, pp. 89-90, 99-104.



by one race was to be given to another, no change of occupation or tenancy should be made except when the property changed hands. This would have meant that the complete implementation of the Act would have been deferred for twenty or twenty-five years. But it would have greatly minimized friction and a sense of grievance and in due course would have facilitated the smooth working of the Act.

The Land Tenure Board at first sat in public prepared to receive evidence from any who offered it. But it found itself so overwhelmed by witnesses from various organizations, including the Natal Indian Congress and the Natal Indian Organization, that after a few months it decided to hear no more evidence from representative societies or associations, but to accept evidence only from individuals who were directly affected. This is a remarkable contrast to the methods adopted by the commissions presided over by Mr. Justice Broome.<sup>1</sup>

It can be understood that the Indians feel that their chances of a fair deal are very remote and that they view the future with dread. Meanwhile the whole progress of the Indian community is halted. Business cannot expand or new businesses be started. Much-needed houses cannot be built and young couples badly needing houses of their own must continue to live under the parental roof. Shop licences are refused, because of the uncertainty of the future of the district in which the licence is required. The building of schools has also suffered a set-back through interminable delays caused by applications for permits to build and occupy being withheld, owing to the uncertainties of future Group Areas proclamations. For the time being the Indians are immobilized. And perhaps the conditions under which movement and growth are restored to them may be worse than the present state of uncertainty and insecurity.<sup>2</sup>

We can now return to the appeal to the United Nations made by the Government of India in 1946 regarding the position of the Indians in South Africa. The various idealistic declarations of policy issued during the war, beginning with the joint statement of Mr. Churchill and President Roosevelt on the Four Freedoms and leading up to the Charter of the United Nations, had aroused

<sup>1</sup> The Indian Congress appealed to the Courts regarding its exclusion from giving evidence. The court ruled that the Land Tenure Board (since renamed the Group Areas Board) had no right to limit the representation of bodies giving evidence. In 1955, however, the Group Areas Amendment Bill (Act No. 6 of 1955) was passed reversing this court ruling and it gave the Land Tenure Advisory Board full discretion to decide who should appear before it. cf. *Survey of Race Relations, 1954-55*, pp. 74-5.

<sup>2</sup> The Group Areas Further Amendment Act, No. 68 of 1955 renamed the Land Tenure Advisory Board the Group Areas Board, and gave the Chairman of the Board greater powers and authority. The Group Areas Development Act, No. 69 of 1955 aimed at eliminating speculation in property values which might arise as a result of the institution of group areas.

great hopes in all communities that felt themselves oppressed, and not least among the Indians in South Africa, especially in Natal. The Indians in Natal rather naively believed that the loftily phrased statements of policy were to be taken at their face value and would be put into operation immediately a request was made. It is not suggested that these statements of policy had no value. That indeed is far from being the case. They had set a goal towards which progress should be made in the future, but all the statements were vague and capable of various interpretations. The power of the United Nations to enforce any decision on controversial points was actually extremely limited, even though the procedure laid down on paper appeared to be otherwise. However, this was not realized by the Indian community in South Africa. They apparently believed that once the matter came before the United Nations, this organization would immediately take steps to compel South Africa to redress their grievances. In actual fact the situation turned out very differently.

Even before the Asiatic Land Tenure and Indian Representation Bill actually became law in 1946, Indian delegations from Natal had already visited India.<sup>1</sup> By this time, of course, India had obtained her independence, and the Government of India decided to take up the matter on behalf of the Indians resident in South Africa. Thus one of the subjects which aroused great interest at the meeting of the United Nations in New York in December 1946 was the position of the Indians in South Africa. Field-Marshal Smuts headed the South African delegation and the Indian Government arranged that Mr. Nehru's sister, Mrs. Vijaylaxmi Pandit, should lead the Indian delegation. The South African Indians sent unofficial delegations which acted in a purely advisory capacity to the Indian Government.<sup>2</sup>

The matter was referred first to the General Committee of the Assembly, the function of which is to go through the business and decide which committee shall deal with each item. When the matter came before the General Committee, Smuts immediately took up the standpoint that the matter was outside the competence of the Assembly of the United Nations since the Indians in South Africa were now South African nationals and their treatment, therefore, was a purely domestic issue which could not legally be dealt with by the United Nations.<sup>3</sup> He was relying, of course, on the famous

<sup>1</sup> Mr. Sorabjee Rustomjee had gone to India to address numerous public meetings, and had seen many of the ministers.

<sup>2</sup> One group was headed by the moderates, Mr. A. I. Kajee and Mr. P. R. Pather, and the other represented the passive resisters, who were joined by Mr. Rustomjee who had come to New York direct from India.

<sup>3</sup> For fuller details of the South African-Indian dispute at the United Nations consult the *United Nations Bulletins* and *Keesings Contemporary Archives. A Weekly Diary of World Events*, London.

Article 2, sub-section 7 of the United Nation's Charter which reads:

Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall require the members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

The point was vigorously discussed and in the end it was agreed that the matter should be referred to a Joint Committee of the Political Committee and the Legal Committee of the Assembly.

In these meetings the two principal opponents were Mrs. Pandit and Field-Marshal Smuts. Mrs. Pandit insisted that the treatment of the Indians in South Africa was contrary to the principles of the Charter; that the problem was essentially political and not merely legal; and that, with its general repercussions on world politics, it had indeed become an international issue. Smuts argued that he foresaw in this dispute the development of a dangerous tendency in the United Nations, namely the interference in, and exploitation of, domestic issues by foreign States. He declared that this situation, should it arise, would impair friendly relations between States and endanger the maintenance of world peace. He agreed that the United Nations might interfere in matters determined by treaty obligations, but he firmly maintained that the various agreements affecting Indians in South Africa did not amount to treaties. He went on to say that domestic interference might be tolerated in the event of any infringement of fundamental human rights, such as the right to freedom of speech or of conscience. Since none of these had been interfered with in the case of the Indians in South Africa,<sup>1</sup> and since there had been no precise definition of these fundamental human rights, he considered that none of the grievances instanced by the Indian delegation could be taken into account. It is ironical to remember that the man who thus whittled away the significance of the preamble to the Charter was the same Field-Marshal Smuts who had drafted that noble statement for the acceptance of the San Francisco Conference which established the Constitution of the United Nations.

Smuts' proposal that the matter should be referred to the International Court of Justice was supported by Sir Hartley Shawcross of Great Britain and Mr. Fahy of the United States of America. Practically all the non-European nations were against the proposal to treat the matter as a legal issue. Finally a resolution prepared jointly by the delegates of France and Mexico was adopted by the General Committee. The resolution proposed that the issue should

<sup>1</sup> The Riotous Assemblies and Suppression of Communism Amendment Act No. 15 of 1954 brought up to date two measures which would appear to interfere with freedom of speech. cf. *Survey of Race Relations, 1953-54*, pp. 34-7.

be referred to the General Assembly. It suggested that since friendly relations between India and the Union had been impaired as a result of the treatment of Indians in South Africa, the two governments should be called upon to report at the next session of the Assembly upon the measures adopted to bring the treatment of Indians in South Africa into conformity with the provisions of the Charter and of the Cape Town Agreement. Finally the resolution recommended by the Joint Committee was adopted by the Assembly.

When the matter was brought before the Assembly there was again a long debate in which Mr. Heaton Nicholls of South Africa and Mr. Gromyko of Russia took part. The latter contrasted the law imposing racial discrimination in the Union with the complete absence of any racial discrimination in the Soviet Union, and insisted that to treat this question as a purely legal matter would weaken the prestige of the United Nations in one of its noblest tasks 'which was to promote respect for human rights and fundamental freedom for all'. Considering Russia's complete disregard for some human rights which are more fundamental than those asserted to be disregarded in South Africa, this speech may be regarded as a masterpiece of irony. Mrs. Pandit also took part in the debate and said that the underlying issue was whether Western civilization was to be based on racial supremacy, or whether justice and equality, irrespective of colour, were to be considered the right of all men. She insisted that it was not Western civilization that was being defended by Field-Marshal Smuts and his supporters, but European economic domination and the doctrine of white supremacy. 'Political supremacy', she said, 'was merely the means of economic domination.' The debates aroused the greatest interest and even emotion; on occasions members rose to their feet to acclaim sentiments with which they were in agreement, while at other times strong disapproval of the opinion put forward by speakers was expressed by stony silence.

When it was put to the vote, the South African resolution to refer the question to the International Court was lost by 21 votes to 31, while the French-Mexican resolution was carried by 32 votes to 16, with 7 abstentions. The two-thirds majority which is necessary for the adoption of a resolution in the General Assembly was more than secured, and the result was a clear victory for the Indian delegation.<sup>1</sup>

A study of the voting list reveals some interesting points. Canada, for instance, voted against South Africa, while New Zealand voted for her. Australia was among those who abstained. Nearly every European country voted against South Africa except Greece, Luxemburg, Belgium, and the Netherlands. The two latter were probably influenced by their own colonial problems. Outside Western Europe and the Commonwealth practically all the members

<sup>1</sup> cf. Calpin, op. cit., pp. 243-54.

voted in support of India. This result showed a preponderant feeling in the world against South Africa's policy. It would hardly be too much to say that there were almost no supporters of the South African policy of race discrimination. The only aspect of the problem on which Smuts got some support was the question of whether or not the issue should be considered from a legal standpoint and excluded from United Nations' jurisdiction on the grounds that it was a purely domestic issue.

It was, however, a barren victory. After all, the matter must be dealt with primarily by South Africa, and among the white governing minority in South Africa indignation against the findings of the Assembly was extreme. In a parliamentary by-election at Hottentots-Holland the United Party was beaten by the Nationalist and Smuts found it necessary to put South Africa's case again to his own people. In a national broadcast he spoke of the 'unbelievable misunderstanding about race and colour conditions and their handling in South Africa'. 'We found', he said, 'a solid wall of prejudice against the colour policy in South Africa which not even the most efficient publicity could have broken down in the time at our disposal.' He also insisted that the Assembly had denied to the Union the most elementary and fundamental rights of access to the court, and had assumed South Africa guilty in the matter without an adequate investigation. The stage was thus set for refusal by the Union to take any steps to implement the resolution of the Assembly of the United Nations—an attitude which increases in intensity as time goes on.

It should be remembered that the Union was at this time at loggerheads with the United Nations on still another issue, namely, the position of South-West Africa. This did not affect the Indian question directly as there are no Indians in South-West Africa, but it did affect the relations between the Union of South Africa and the United Nations. For this reason, therefore, it should be mentioned as a contributory cause of the hostility to the United Nations which, from this time on, made itself apparent in South Africa.

The whole question of the position of Indians in South Africa was discussed in the Union Parliament on 21 January 1947.<sup>1</sup> The Leader of the Opposition, Dr. Malan, moved a comprehensive resolution which embraced all contentious issues between the United Nations and the Union. It included a proposal that the Government should give no effect to the demand by the United Nations that the Union should confer with the Government of India regarding South Africa's own measures affecting the Indian population, and that she should be under no obligation to report thereon except in so far as such negotiations had the express exclusive object of having the Indian population of South Africa

<sup>1</sup> Union of South Africa, House of Assembly Debates, 4th Session, 9th Parliament, pp. 1089 ff.



The main Indian business area in Durban



Indian men and women working in a Durban textile factory



Indian technicians working in the laboratory

removed to India or elsewhere.<sup>1</sup> He also proposed that the communal representation of Indians in parliament and in the Natal Provincial Council be withdrawn;<sup>2</sup> and finally that a Joint Committee of both Houses of Parliament be appointed to recommend a comprehensive Union policy to meet the colour problem generally, and more particularly in respect of its relations to the white race. It was suggested that this policy be based on the principle of the separation of Europeans and non-Europeans politically, residentially, and as far as practicable, industrially; and that it should be aimed at serving the specific interests of each separate group.

This speech from the Leader of the Opposition has been dealt with in some detail as it contains the germ of the policy which the Nationalist Government endeavoured to put into operation after it came into power in 1948. In answer Smuts stated that he had no intention of either repealing or modifying the Asiatic Land Tenure and Indian Representation Act of 1946. He regarded the Act, he said, as something 'which is going to be an anchor to South Africa and to Natal in particular'. He also defended the attitude he had adopted that the Indian question was a matter of domestic jurisdiction, and asserted that in the United Nations debates 'ignorance and prejudice and emotions really made the position impossible, and every consideration was overwhelmed by passion and emotional methods'. Finally, in place of the resolution moved by Dr. Malan, the House adopted a resolution approving of the Prime Minister's action in the United Nations Conference in New York, and also of the policy outlined by the Prime Minister in regard to the non-European communities in the Union.

The immediate result of the discussion of the Indian problem in New York was the intensification of anti-Asiatic feeling in the Union. A movement was started in the Transvaal to boycott Indian traders and to refuse employment to Indians in European concerns. It was also reported that a meeting of Europeans, held at Pietersburg on 10 February 1947, resolved to boycott Indian traders and proposed the tarring and feathering of Europeans entering Indian stores and European girls working in Indian establishments. This boycott movement was unofficial, but it was supported by some members of both the United and Nationalist parties. But in the end the boycott movement petered out. Some positive proposals were, however, put forward. The Government offered to establish an Indian Advisory Council on similar lines to the Coloured

<sup>1</sup> There was a further change in the situation when Pakistan was established as an independent state in August 1947; she lifted the boycott on trade between herself and South Africa, which meant that jute bags again became available. In India, however, the boycott still remains in full force. South Africans wishing to enter India may do so only after they have obtained the express permission of the Indian Government, and the only South African goods that are admitted into India are the personal luggage of such travellers.

<sup>2</sup> It will be remembered that the Indian community had refused to take any steps to avail itself of the offer of communal representation. See pp. 136-7.

Advisory Council. It was to have a mixed membership of Indians and Europeans to advise the government on matters affecting the Indian community. But among the Indians this idea found no support. They all looked upon it as a concealed form of segregation, and finally Smuts abandoned the proposal.

The Provincial Administration of Natal also took certain steps. The Administrator, Mr. D. E. Mitchell, proposed giving Indians the municipal franchise on a separate roll and allotting them one or two seats on the Natal town and city councils. The proposal was not received with any enthusiasm by the Europeans. The Durban City Council, prompted by the initiative of Mr. Leo Boyd, demanded a referendum on the subject which was in accordance with the law. Naturally, the results of the referendum were against the proposal. In Durban, 37 per cent of the electorate voted, and the proposal was rejected by 15,066 to 1,639 votes. In other municipalities where a referendum was also held the proposal was decisively rejected. The result of this poll was an indication of the intensity of European hostility in Natal to the Indians which is still one of the factors which makes the situation so difficult.

Another side of the difficulty was illustrated by the attempt of the Natal Municipal Association to draft an ordinance for the provision of Indian advisory boards, on somewhat the same lines as Native Advisory Boards already established, to deal with housing and public health services for the Indian community. These were designed to help the Indians without giving them any representation on the municipal council. Some arguments could be advanced in favour of the establishment of such statutory boards. They would at least provide the Indian community with another constitutional channel for voicing their grievances and bringing them to the attention of the authorities. Further, they would provide a means of breaking down European prejudice by showing that there were Indians of education and understanding who could put their case intelligently and with whom Europeans could co-operate. In view of the enormous gulf which separated the two communities and the existing misunderstanding on both sides, any such co-operation would have been invaluable. The Indian community refused, however, to consider the question of these advisory boards. They felt the advisory boards would brand them permanently with inferior citizenship. Mr. Kajee, known as a moderate, said: 'Communal franchise, or worse still, a 3rd class citizenship, based on Advisory Boards, as now contemplated, can only make the Indian's position more ignoble and add to the miseries of his condition.' The Indians made their long-standing demands for progressive equalization with the Europeans, though they put forward no concrete proposals of their own. The Europeans refused to consider any such demands and made various proposals, for partial co-operation with the Indians, which they in turn rejected. Thus the Indian situation in 1947 worsened, and when the Union Government

was approached by the Government of India with the object of putting into operation the resolution adopted by the United Nations, it refused to take any action. In a report on the subject prepared by the Government of India, the following statement appeared:

In the view of the Government of India the Union Government have completely ignored the resolution of the United Nations General Assembly. Not only did they take no action to implement the request to accept the terms of the resolution as a basis of discussion, they have clearly indicated that they have no desire to take any steps to remove the discriminatory treatment against Indians and other Asiatics imposed by legislation and administrative measures. Spokesmen of the Union Government including J. C. Smuts, have in their statements impugned the judgment and impartiality of the United Nations, denounced its composition and subjected it to ridicule. The Government of India request that the United Nations should take note of these facts and decide upon appropriate steps to ensure implementation of the resolution and respect for the provisions of the Charter relating to fundamental freedoms without distinction as to race, language or religion.

In the early part of 1948 the Union's delegation to the meeting of the Assembly was led by Mr. H. G. Lawrence. On this occasion the atmosphere had changed. Neither disputant was anxious to force matters to a crisis. The United Kingdom was unwilling to engage in open conflict with the Union of South Africa. South Africa took a more conciliatory line, and Mr. Lawrence said that he was willing to agree to a Round Table Conference. Therefore, a somewhat milder resolution was proposed and accepted. But, as we have seen, when in September 1948 the situation in South Africa itself was radically changed by the victory of the Nationalist Party at the General Election, the Union delegation to the Third Session of the General Assembly of the United Nations was led by Mr. Eric Louw, the Union's Minister for Economic Affairs. It was remarked by a Frenchman in the Assembly that 'Mr. Louw has done what very few men can do, he has united the Communists and the anti-Communists against him'.<sup>1</sup>

However, his outspoken handling of the issue gained him a great deal of support not merely among his own party but also among the United Party. The net outcome was that white South Africa as a whole was more determined than ever to resist any intervention in its affairs by the United Nations; and this attitude has persisted ever since. South Africa continues to insist that the position of Indians in South Africa is a purely domestic issue; it refuses to co-operate with the United Nations in any way on the position of

<sup>1</sup> Calpin, *op. cit.* p. 268.

Indians in South Africa; it will permit no visits to the country by United Nations officials or commissions. And then, rather illogically, it complains that it is misrepresented abroad. The United Nations has taken various steps strictly in accordance with its Constitution, which it is unnecessary to describe in detail, but without making the slightest impression on South Africa's attitude of complete refusal to admit the jurisdiction of any international authority in South African Indian affairs, an attitude which is shown also in two other issues—the position of the former mandated territory of South-West Africa, and the general question of the racial situation in South Africa.<sup>1</sup>

During all these discussions in the United Nations, both parties to the dispute about the South African Indians provided a mass of documents for the information of the various committees involved. The Government of the Union issued a document defending its attitude towards the Indians, copies of which have never been issued to the public in South Africa. The Corporation of Durban issued an elaborate booklet showing how well the Indians fared in Durban, while both the Natal Indian Congress and the Natal Indian Organization produced their own documents. These provide very interesting reading and prove that there is much to be said for both points of view. It is true that there are some wealthy Indians living in beautiful houses set in spacious grounds; that they have their own mosques, temples and cinemas; that there are quite a number of satisfactory Indian schools; that they have their own sports grounds; that many Indians are successful in business and the professions; all of these arguments were put forward by the Durban Corporation. It is equally true that there are many Indian locations which are a disgrace to any civilized country; that large numbers of Indian children could not and still cannot find schools which they may attend, that many of the schools are dirty, ramshackle buildings; that many children have no playgrounds other than the roads or waste pieces of land; that the average wage of the Indian unskilled labourer was at the time £1 10s. a week. Both sides to the controversy could and did quote facts in support of their views, but neither side gave the full picture.

It was while these discussions with the United Nations were going on that the Durban Riots burst like a thundercloud on Thursday, 13 January 1949. These riots arose out of the hostility between the Bantu and the Indians and the immediate cause of this conflagration was a comparatively small incident which was shown later to have been grossly exaggerated. It is as well at this stage to know a little about the relationship between the Bantu and the Indians.

The Bantu in South Africa are subject to a number of restrictions partly protective and in their own interests, partly restrictive and intended to safeguard European privileges. They may not, for

<sup>1</sup> See Note at the end of this Chapter, p. 163ff.

instance, buy land save by special permission outside those areas specifically set aside for them, while at the same time they may not sell reserve land which is held communally. The latter provision is quite definitely protective. The Bantu are still in many respects a backward people, very liable to exploitation when they first begin to handle money. Freehold tenure, for which the Bantu are always clamouring, if introduced on any considerable scale, would certainly result in the ultimate loss of their land. This statement does not stem from any racial consideration. The situation arises invariably when persons accustomed to a subsistence economy,<sup>1</sup> first come into contact with other persons accustomed to the use of money. It occurred in India to such an extent that the Indian Government found itself obliged to protect the peasant against Hindu money-lenders by special legislation.<sup>2</sup> In addition Native men have to carry passes, and are liable to be arrested if they are found by the police without actually having these on their persons. At the time of the riots, trading licenses were very seldom granted to the Natives, consequently they were obliged to deal at Indian shops. Natives are subject to special restrictions with regard to consumption of liquor. They can only partake of their own traditional beer which is supplied to them in large canteens by the Durban Municipality, while for Indians special bars, adjacent to those for Europeans are often provided. The transport of non-Europeans in and around Durban was then very unsatisfactory. At the time of the riots the Durban Corporation provided transport mainly for Europeans and allowed non-Europeans to occupy only a small number of seats on the top deck of the buses. They ran no buses or trams at all to some of the most densely populated Native slum areas near Durban. To meet this need, Indian bus-owners were allowed to cater for the needs of those non-European masses. At the peak hours in particular the bus terminals were a scene of complete chaos. There was no discipline imposed on the crowds of waiting Indians and Natives as they scrambled on to the buses to secure a seat often before they had come to a standstill. People were not infrequently hurt and their clothing torn in the struggle to get on the bus to reach home for supper and rest after a long day's work.

With the industrial development of Durban, more and more Bantu are coming into the city to seek work. The City Council provides three Native villages which are reasonably satisfactory, and a number of dormitories for single men. These, however, are quite

<sup>1</sup> By this term is meant the production by a small group of all that is required for the maintenance of that group, with a nearly complete absence of trade and only a very small amount of exchange by means of barter. See also *Experiment at Edendale*, Natal Regional Survey Additional Report No. 1.

<sup>2</sup> It is also interesting to note that a similar situation arose in Ireland where the gombeen man, himself an Irishman, by means of his small shop in the town, exploited the peasants around him. cf. *The Economic Development of the British Overseas Empire*, Vol. I, by Mrs. Lillian Knowles, and *Economic Development of India*, by Vera Anstey, 4th Edition, 1952.



inadequate for housing the Native population, and the residue who can find no place in the villages and dormitories provided by the Corporation are forced on to land on the outskirts of the town which is mostly owned by Indians. Here they erect wretched shacks made of old timbers and corrugated iron without any means of sanitation. Consequently they live in filth and over-crowded conditions, particularly in the notorious Cato Manor area, without any of the ordinary and indeed necessary amenities of urban life. Their landlords are Indians who frequently exact rack rents for the wretched little pieces of land on which the Natives build their miserable huts.<sup>1</sup>

The post-war years were a time of hardship in many other respects. Prices were rising and the Africans found that the Indian storekeepers with whom they dealt were demanding greatly increased prices for the flour, mealie meal, sugar, condensed milk, etc., which were so important in their diet. Therefore, there grew up among the Africans, not unnaturally, profound irritation against the Indians, which was further exacerbated by the belief that many Indians were seducing African girls or taking them as mistresses. A further factor in the situation was that this was one of the peak periods of anti-Indian agitation, and the Africans were encouraged by the European abuse of the Indians to believe that they would have the support of the former in attacking them. It should be noticed that in many of these unfortunate situations it was really the Europeans who were to blame. They were certainly to blame for the inadequate and overcrowded transport. They were to blame also for the bad housing conditions, and if they were not to blame for the shortage of goods and rising prices, the regulations designed to deal with this situation were the work of the Europeans. The Europeans also controlled the licensing of businesses and buses. But the Natives had to deal with Indian shopkeepers, Indian landlords and Indian bus conductors. Fewer restrictions are placed on Indians. They do not carry passes and they can get trading licences, though not without difficulty. Until the

<sup>1</sup> See *Durban Housing Survey*, Natal Regional Survey, Additional Report No. 2. After long delays the Durban Corporation is now taking Native housing arrangements into serious consideration, but progress is not very rapid. Nevertheless the conditions outlined above are to some extent being ameliorated. Trading licences have been granted to a certain number of Bantu traders in Cato Manor—Durban's great slum area. All seats on the top deck of Corporation buses can, at the discretion of the conductor, be made available to non-European passengers; new bus terminals for non-Europeans have been established; and a certain amount of order is now enforced. But the non-European community is not satisfied with the new situation. The bus terminals contain neither resting places, toilet rooms, nor any protection from the weather, all of which are provided in the European bus terminals.

The terminal sites are objected to on the grounds that they involve a long walk to and from the non-European centres of activity, and some of these buses are obliged to assemble in the streets and open spaces which non-European children are forced to use as playgrounds.

It should be noted, however, that complete segregation in municipal bus facilities is at present under discussion.

Asiatic Land Tenure and Indian Representation Act of 1946 they could buy land freely, and within their specified areas they can still have freehold land. The Natives not unnaturally, began to wonder why the advantages enjoyed by the Indians were not extended to them. Thus there grew up among them feelings of frustration, jealousy, and irritation which had in the end to find an outlet.

It has sometimes been asked why their attack was delivered against the Indians and not against the Europeans who were primarily responsible. This can easily be explained by noting two factors. In the first place it was the Indians with whom they were in contact and who to them represented the injustices of the situation. In the second place there is that psychological truth brought out so well by Dollard in his book, *Caste and Colour in a Southern Town*,<sup>1</sup> that in an oppressed community tension will be developed which cannot be discharged against the ruling class who are too strong and would immediately punish any insubordination. They are and will be discharged through quarrels among the oppressed peoples themselves. In addition, the Africans had been encouraged to believe that the Europeans hated the Indians so much that they would not be displeased at any attack on them—a belief which was justified to some extent at the beginning of the riots.

The riots, as stated above, arose out of a very minor incident. A fourteen-year old African boy had quarrelled with an Indian shop assistant two years older than himself and slapped his face. The Indian youth then complained to his Indian employer who went into the street and severely reprimanded the African boy. In the struggle, the African's head was accidentally pushed through a shop window and was cut by the broken glass so that the blood flowed freely from behind his ears. This happened near the inadequate transport facilities, at one of the peak periods, round about 5 p.m. The crowd of Africans, already irritated by the difficulty of reaching their homes, saw an Indian assaulting a small African boy to the extent of drawing blood. Immediately wild rumours that the African boy had been killed began to circulate. The crowd got out of hand and started to assault every Indian in sight. Late in the evening order was restored and the matter was reported as a quite insignificant incident in the newspapers the next morning. The European readers knew nothing of the occurrence at first hand, since it happened in a predominantly Indian area. It was stated that a certain number of Indians had been attacked and that 62 persons had been injured.

The morning of Friday, 14 January 1949, began quite normally, but by midday disturbances started again. Stones were thrown through shop windows in Grey Street, where many Indian shops are situated; the Africans began to attack, with sticks and stones, Indians walking in the street; stones were thrown at motor cars

<sup>1</sup> Published by Harper, 1949, 2nd Edition.

driven by Indians. Mr. Maurice Webb<sup>1</sup> gives a very vivid account of the situation: 'Europeans gather in office windows and on balconies watching the scene, regarding it with amusement. On the pavement a European comments: "I am all for the Natives. Serves the Coolies right." Europeans stand aside, spectators. They do not go to the aid of the Indians or try to restrain the Natives. Comment is widespread that there will be real trouble when the Compound Natives have ceased work and get together after a few "pots".' By evening a reign of terror was in existence throughout the poorer parts of Durban and district. Houses were being burned by the score; many Indians were killed or left to die in the flaming houses; many men were clubbed to death; Indian women and young girls were raped by the infuriated Africans, bands of whom armed with knob-kerries ran through the affected areas. Many Indians sought refuge in European homes—one such band of refugees remained in a home for several days having to be fed and cared for by the European owners.

On Saturday morning, the situation was very serious. The police were doing their best to put down the rioting but their numbers were too small. The Indians were complaining that the police generally arrived after the rioters had been and gone. Strong representations were made to the government, and military forces, including tanks, were dispatched to Durban. These paraded through the town and through the outlying Indian areas, and by the beginning of the following week rioting had ceased and tranquillity was restored.

The Indians on the whole put up very little resistance to the African attacks and the injuries received by the Bantu were mostly due to police action.<sup>2</sup> Further, many of the terror-stricken Indians left their homes and flocked for refuge to any place that seemed to offer safety. Their homes were in most cases destroyed in their absence. Various European organizations came to their assistance and collected money and goods; the Natal Distress Relief Fund was started which in the end amounted to more than £85,000; camps were established for the refugees in Indian schools and in a disused Salvation Army Home with a number of out-buildings. The refugees were in many cases reduced to a pitiable state of terror. I remember one who visited me—normally a highly respectable Indian schoolmaster who was also a part-time student at the University of Natal. He came to explain that he would not be able to attend lectures since the only property left to him was the dirty ragged suit of clothes which he was wearing. His whole demeanour showed the terrifying nature of the crisis through which he had passed, and it was very difficult to recognize in him the normally self-possessed, neatly dressed young school teacher.

<sup>1</sup> *The Durban Riots and After*, by Maurice Webb and Kenneth Kirkwood, South African Institute of Race Relations, 1949, p. 2.

<sup>2</sup> The suddenness and ferocity of the attack should be remembered and the fact that very few Indians were granted licences to carry firearms.

The state of terror to which the Indians had been reduced, coupled with the fact that many of them had lost all their possessions, made it difficult to resettle them quietly in normal life. The camps, housing 770 refugees in all, had to be kept going for eight months after the riots at a total cost of £200 per month, and in the end so many Indians had sunk into a state of unwholesome dependence that the camps had to be firmly closed. The loss of life and property was very considerable and figures were assessed as follows:

Deaths:	.. .. .	142	(1 European, 50 Indians, 87 Natives and 4 individuals whose race could not be determined).
Injured:	.. .. .	1,087	(32 Europeans, 11 Coloured, 541 Natives and 503 Indians; of the injured 58 died).
Buildings destroyed:		1 school, 1 factory, 58 stores, 247 dwellings.	
Buildings damaged:	..	2 factories, 652 stores, 1,285 dwellings. <sup>1</sup>	

The seriousness of the Durban Riots can be estimated by comparing these figures with those of other racial outbreaks. For instance, one of the worst American racial riots occurred at Chicago in 1919, when 15 whites and 23 negroes were killed and 178 whites and 342 negroes injured. The Gold Coast riots of 1948 were responsible for 29 deaths and the injury of 237 persons. The fact that in Durban figures were so much larger is an indication of the seriousness of the racial situation in South Africa.

That there was need of a searching enquiry was urged both by the Europeans and the Indians. The Government appointed a Judicial Commission, of which Mr. Justice F. van den Heever was Chairman, with Mr. Ryle Masson and Mr. W. Schultz, both chief magistrates, as members. No African or Indian members were appointed. The commission announced its intention of taking evidence from any person who had any contribution to make, but it refused to allow witnesses to be cross-examined on the grounds that cross-examination would unduly prolong the proceedings. During the adjournment that followed this decision, attempts were made to reconcile the parties<sup>2</sup> and to provide for some reasonable compromise on the lines adopted by Mr. Justice Broome a year earlier. But the attempt failed, and, as a result, eighteen organizations withdrew from the proceedings, including the South African Indian Congress, the African National Congress and the combined Native Locations Advisory Board. In view of the fact that the commission consisted of Europeans only and that it refused to allow cross-examination, the non-European section had no confidence in it. Its later proceedings did nothing to restore this confidence. It

<sup>1</sup> *The Durban Riots and After*, by M. Webb and K. Kirkwood.

<sup>2</sup> *The Durban Riots*, op. cit. p. 6.

may be categorically stated that in the opinion of experts the report was unsatisfactory.

Evidence was received from 146 witnesses and the commission claimed that these represented a fair cross-section of the community. It would appear, however, that since the principal Indian and African organizations did not give evidence, the commission's statement was hardly justified. The evidence given fell into four main categories:

1. Official, e.g. police.
2. 'Considered.'
3. Personal grievances of Natives.
4. The Natal Indian Organization.

'Considered' evidence was offered by Senator Brookes and a number of organizations such as the principal local Churches, the Department of Economics of the University of Natal, the South African Institute of Race Relations, and the Indo-European Joint Councils.<sup>1</sup> Unfortunately the commission refused to regard these organizations and the evidence proffered by them as of any importance, and consequently failed to go deeply into the cause of the riots. They dismissed the representatives of these bodies as 'intellectuals', 'theorists' or 'members of mixed societies'. The possession of an intellect was clearly regarded by the commission as an insuperable handicap; while any organization that contains members of more than one group was not heard, though it might know something about race relations.<sup>2</sup> Indeed at one point the commission went so far as to suggest that these bodies were themselves partially responsible for the riots, as they had instilled into the Indians and Africans the view that they were oppressed and frustrated persons, an idea they would probably never have adopted had they been left to themselves.

In the end the commission found that the causes of the Durban Riots were as follows:<sup>3</sup>

- (a) Lack of discipline among the urban Natives who are increasingly given to lawlessness and who are ready to take the law into their own hands.

<sup>1</sup> Joint Councils exist in a number of towns and consist of Europeans and Coloured, Europeans and Bantu, or Europeans and Indians. They are an attempt to provide for the development of mutual understanding among the various races. They have done useful work; but they are not very widely supported and seem to be declining in importance, though the Durban Joint Council of Europeans and Bantu is still flourishing and has organised an important series of lectures on Native questions which are thrown open for discussion to an audience consisting of both races.

<sup>2</sup> *Durban Riots*, op. cit. page 8.

<sup>3</sup> *Durban Riots*, op. cit. pp. 15-17.

- (b) Bad precepts and bad examples by certain sections of the Indians who opposed the Government, engaged in passive resistance and who did not scruple to invoke overseas assistance . . .
- (c) The racial characteristics of the Indians and the Africans . . .
- (d) Increasing tension between the Indians and the Natives was gradually but surely building up before the riots because the Natives regarded Indians as strangers . . .

As causative factors arising out of the situation these were listed:<sup>1</sup>

- (a) *Transport Facilities*: Durban and the peri-urban areas have very poor communications. 'Virtually all transport services debouch in one spot; traffic regulation in this congested area is primitive and ineffectual and no provision is made for the protection of the passengers from the elements or for their convenience.' 'Masses of irritable human beings' are found here during the rush periods.
- (b) *Undesirable Elements*: The presence in Durban of numbers of Native loafers. The law providing for the removal of workless Natives from urban areas is not enforced.
- (c) *Housing*: 'The slum areas on the fringes of Durban are a disgrace to any community which calls itself civilized . . . in these human rabbit warrens something like 23,000 Natives live under the most sordid conditions.' 'The fact that numbers of Native males are herded together in compounds also seems to have bearing on the riots.'

One or two additional comments made by the Commission may be quoted:<sup>2</sup>

- (a) One of the most unsettling influences upon the Native mind is the fact that South Africa has a hostile press abroad.

This is really absurd. It was well known that the Natives who stirred up the riots belonged to the poorest and most illiterate class. To suggest that they could read the *New Statesman* or the English Labour newspapers is ridiculous. It is doubtful whether most of them even knew what was being said in the South African newspapers. There might have been some truth in this suggestion had the riots originated among the more educated section of the community. But this was not the case. The non-European organizations and their leaders were as much surprised and taken aback by the riots as were the Europeans. Not only did they do their best to stop them but they played a considerable part in giving relief to the sufferers. There have been hints that there was some organization behind the outburst. It has been stated that it was too well organized and prepared to be entirely spontaneous. But if there was a sinister

<sup>1</sup> *Durban Riots*, op. cit. pp. 17-18.

<sup>2</sup> *Durban Riots*, op. cit. pp. 18-19.

hand at the back of the rioting it was kept very much in the background and no certain proof of its existence has ever been provided.

- (b) Contrary to the prevalent opinion abroad, the average Native is a keen supporter of segregation.
- (c) There are two considerations which our foreign critics may well keep in mind.
  - (i) Of all the colonies settled abroad by people from Western Europe, South Africa was the only one which allowed a sufficient number of its aborigines to survive to create a Native problem.
  - (ii) Such abstract notions as a good form of government and a claim at natural law to exercise public rights exists only in the mind of the visionary.
- (d) Finally they did, however, make one remark with which entire agreement could be expressed, namely 'The position in Durban requires constant vigilance.'<sup>1</sup>

The report was, in fact, a prejudiced and inadequate piece of work, and showed very little understanding of the real nature of the problem. It seemed largely concerned with a defence of government policy. The members of the commission must have been completely ignorant of the work done by modern sociologists on the difficulties of mixed communities or 'plural societies', as they are now coming to be called.

None of the conditions criticized by the commission even in the very mild form of its findings have been radically or satisfactorily altered. The transport arrangements still leave much to be desired.<sup>2</sup> There are various plans for 'clearing up' Cato Manor, some of which have already come to partial fruition, but there are still too many horrible shacks with a complete lack of sanitation and other amenities necessary for an urban population. There is still a considerable amount of tension among the lower income groups of Indians and Africans, but it should be noticed that this does not extend to the more educated sections.

The leaders of Indian and African organizations are drawing closer together. This fact is borne out by a number of recent developments. In 1950 the Indians strongly supported the strikes organized in protest against the proposed change in the franchise

<sup>1</sup> *Durban Riots*, op. cit. pp. 18-19.

<sup>2</sup> At the time of writing the police have proceeded against a number of Africans for committing acts of indecency in public, but it has been pointed out by Dr. Shearer, M.P., that the Corporation has not only failed to provide adequate toilet facilities, but has also neglected to erect any directional notices to indicate the present conveniences, and has failed to take any steps to educate the Africans in their use. Furthermore, the conveniences provided are only adequate for 10-12 Africans in the one convenience, yet thousands use this bus centre at peak hours and they have to wait in long queues for long periods. *Natal Mercury*, Friday, 20 Aug. 1954.

rights of the Coloured community. The Natal Indian Congress was opened on 21 February 1953, by a leading African, Chief Luthuli, who was the Chairman of the African National Congress.<sup>1</sup> There were no hostile repercussions, as was feared there might be, between Indian and African students in the non-European classes of the University of Natal and the M.L. Sultan Technical College. There, although the African students were in a considerable minority, the Indians always took care that they were properly represented on all the student bodies. This good feeling continued after the riots without any interruption and has also been reproduced in the newly-established Medical Faculty of the University of Natal. It is also worth noting in this connection that the official policy of the Government of India (as expressed by Mr. Nehru in the report of the United Nations Commission on Racial Discrimination in 1954) is that Indians settled overseas should co-operate with the indigenous peoples to seek amelioration of their conditions; and that they should not seek any advantage at the expense of these indigenous peoples.<sup>2</sup> Consequently, India has attacked the whole policy of apartheid at the United Nations—not merely its effects on the Indians of South Africa, but its effects on the entire non-European population of South Africa.

Notwithstanding the good feeling between educated Indians and Africans, a state of lawlessness still persists to some extent. Indians are afraid to be out late at night or to walk along long lonely roads.<sup>3</sup> It is not certain if these attacks are racial or if they are the work of lawless gangs who simply attack for the plunder they might secure. However these occurrences of which the Indians are the main victims are evidence of the continued lack of adequate police control in and around Durban.

#### NOTE ON SOUTH AFRICA AND THE UNITED NATIONS

South Africa is at loggerheads with the United Nations over several issues besides that of the position of the Indians.

First, there is the question of South-West Africa which was made a mandated territory under the old League of Nations. It was held under a C mandate which is the class of mandate exercised over areas expected ultimately to be absorbed into the territory of the Mandatory Power. All the other mandated areas, such as Tanganyika, were placed under the United Nations and are now included among what are called Trust Territories. South Africa asserted

<sup>1</sup> Chief Luthuli was banned and for some time could not take part in meetings, but the ban has now expired. A further ban was almost immediately imposed.

<sup>2</sup> This is a change from previous policy.

<sup>3</sup> An Indian teacher living in one of the outlying suburbs and taking evening classes in the Indian Technical College found himself obliged to move into town as three assaults on Indians had occurred in his neighbourhood.

that there could be no compulsion on her to turn South-West Africa into a Trust Territory and refused to do so. Instead, she declared that South-West Africa was to be regarded as an integral part of the Union with the right to elect members to sit in the Union Parliament. The matter was ultimately referred to the International Court of Justice which ruled that while there was no obligation to turn South-West Africa into a Trust Territory, its status could not be altered by the unilateral action of South Africa, as it was already under an international obligation. Field-Marshal Smuts had undertaken to recognize this obligation to the extent of continuing to present annual reports to the United Nations, but the Nationalists refused to do even this when they came into power in 1948. Although it was asserted that South-West Africa has not been annexed, it is now in every way treated as part of the Union, so that in this respect too, South Africa has refused to carry out the resolutions of the United Nations.

The question of South-West Africa is yet another instance of resistance by the Union to any United Nations 'interference' in its affairs. Since the refusal of the Nationalists to submit an annual report on South-West Africa, the situation has drifted without any definite conclusions being reached.

Reference may also be made here to the Report of the Committee on Slavery presented to the Assembly of the United Nations in 1951. In this report it was asserted that the only countries which practised slavery were Soviet Russia and South Africa. It was admitted that personal bondage did not exist in South Africa, but it was asserted that the relegation of many non-Europeans to unskilled and low-paid occupations, together with the other disabilities imposed on them by the Union Government, amounted to a condition of slavery.

A United Nations' Commission was also appointed on 5 December 1952 to report on the general racial situation in South Africa. As South Africa would not allow any visit from members of the commission or any United Nations representative, the report had to be based on written documents or on evidence from persons who knew South Africa but were at the time resident outside it. It was certainly a document based on unfavourable and even hostile evidence, and opinions will differ as to whether it is a fair account of the racial position in South Africa.

The Union has also refused to sign the Forced Labour Convention. This was based on the realization that such a Convention would deprive the Union Government of the power, which is of great value to some farmers in South Africa, of assigning convict labour to private persons. The abuse of labour which is frequently reported is usually in connection with this use of convict labour.

Finally the Union decided to withdraw from U.N.E.S.C.O. in 1955 on the grounds that it published pamphlets asserting that there were no grounds for differentiation on the basis of race.

## CHAPTER VIII INDIAN EDUCATION AND CULTURE

WE may now turn to more pleasing topics. Fortunately there have been other and more satisfactory developments in the position of the Indians in Natal. The first of these is the marked improvement that has recently taken place in Indian education, due largely to the growing interest of the Natal Education Department in providing further educational facilities. The number of Indian children attending school has increased from 9,766 in 1927 to 66,587 in 1953 and recurrent expenditure has increased from £35,982 in 1927-8 to over £1,200,000 in 1954-5. But the Province was very slow in erecting schools for Indian children, and 90 per cent of the existing Indian schools are government-aided. This means that the Indian community has borne the greater part of the expense involved in their erection. While the Department of Education bears the full cost of erecting new schools for European children, without any additional cost to the European community, the Indian community usually has to finance the erection of an Indian school to the extent of providing the full purchase price of the land plus total cost of the building. It is subsequently reimbursed to the extent of 50 per cent of the building cost.

An interesting example of Indian initiative in this connection is the case of the school at Chaka's Kraal, where the local community not only contributed to the building but gave freely of their labour as well. It should, however, be remembered that the Indians pay rates and taxes on exactly the same basis as Europeans. In 1951, the Natal Indian Teachers' Society undertook to raise £150,000 and the teachers determined to set the example themselves by contributing £25,000 to the fund. The balance, it was hoped, would be made up by further contributions from members of the Indian community for the building of Indian schools. Under this scheme, about 1,000 Indian teachers out of the total number of 1,500 agreed to a levy of 6 per cent of their salary for one year, with the option of contributing this over a period of two or three years. In this way over £11,000 have already been raised.<sup>1</sup>

<sup>1</sup> *Natal Daily News*, 16 October 1954. A cheque to the value of £10,492 17s. 3d. was handed to Mr. A. D. Lazarus, chairman of the Natal Indian School Building Trust.

Steps have also been taken to make Indian education free, but not to the same extent as European education. While the Education Department bears the full cost of the free and compulsory education offered to European children, including books and materials, Indian education is free only as regards school fees. Exemption from paying fees was obtained very gradually and over a long period of time. In 1943 a beginning was made in remitting primary school fees standard by standard each year, until in 1950 the high schools were the last institutions to pay fees. However, Indian education is still not compulsory.

There has been a marked improvement in primary school education and the number of primary schools for Indian children, though still inadequate, has increased considerably. In this development the Indian community itself is playing a considerable part. In order to remedy to some degree the critical shortage of primary schools, the 'platoon system' has been introduced by which the existing schools are used twice daily for different groups of children. At first this was a voluntary arrangement and the teachers received very little remuneration, but in 1951 the system was given official recognition, as a temporary measure, by the Natal Education Department, which undertook to provide further financial assistance.

There is an even greater shortage of secondary schools, though here again some improvement is evident. A new Indian secondary school is at the moment being built at Clairwood.<sup>1</sup> In quite a number of Natal towns either there is a separate secondary school or secondary classes are organized as an addition to a primary school. In 1948, the Natal Indian Congress, disturbed at the number of secondary pupils in Durban for whom no school accommodation could be found either at Sastri College, the boys' high school, or at the Indian Girls' High School, started secondary classes of their own in the afternoon, utilizing the Government Primary School building at Greyville for the purpose. These classes, though in receipt of a grant-in-aid, are in charge of an Indian principal who is giving his services voluntarily.

Schools provided or subsidized by the Natal Education Department use the English language only, and in government schools there are no religious observances or instruction. Recently the department was approached with a request that Islamic and Hindu religious instruction be allowed in the Indian government-aided schools, through the medium of English. Vernacular schools are provided by some of the Indian religious communities, and are attended by Indian children after they have completed a normal day's schooling in the day schools.

In preparation for the expected expansion in Indian education and in the number of Indian schools, the Education Department is

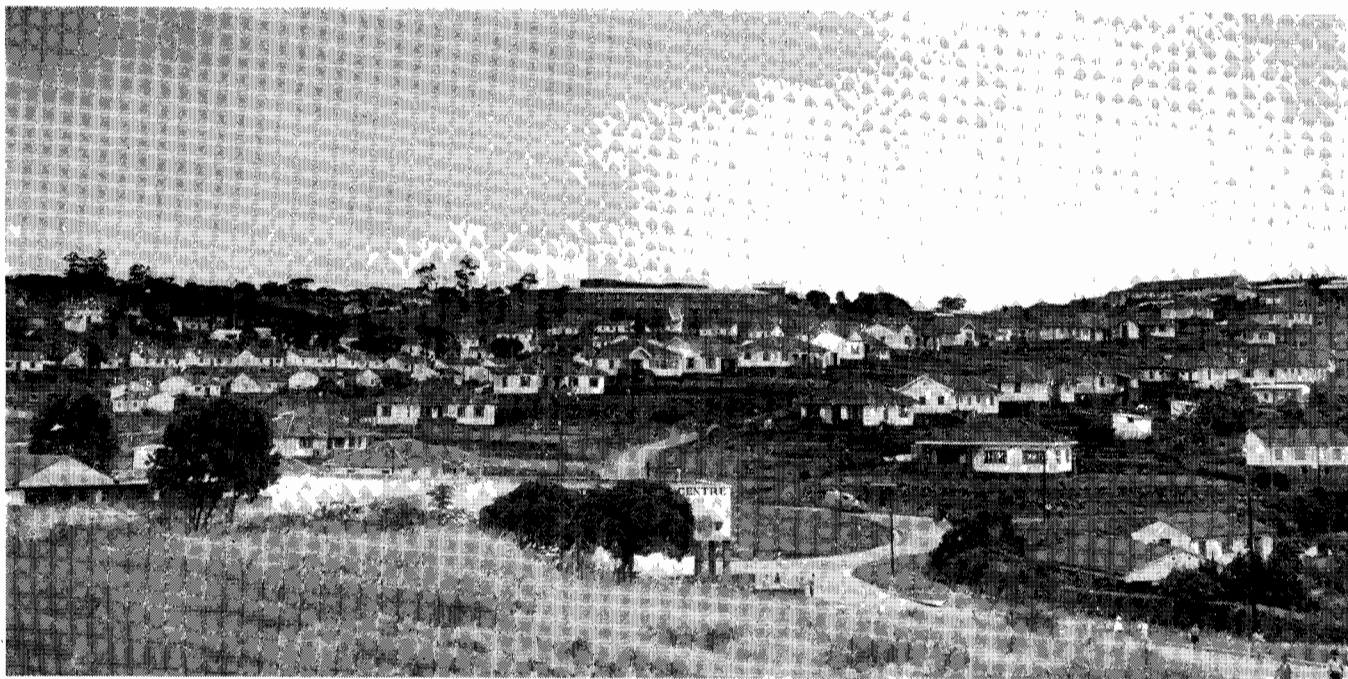
<sup>1</sup> In 1953, four of the thirteen secondary schools in operation had been built by the initiative of the Indian community aided by a building grant from the Province. These are at Umzinto, Verulam, Tongaat, and Durban.



Young teachers at the Springfield Indian Teachers' Training College



Students in the library of the Springfield Training College



Springfield, a new Indian housing estate in Durban



paying greater attention to the training of Indian teachers. Until 1951, this training was undertaken at Sastri College as an adjunct to the High School, but accommodation at Sastri College became quite inadequate from every point of view. Therefore, in 1951, the Education Department established a new co-educational Training College for Indians and a small number of Coloured at Springfield, a northern suburb of Durban, which was formally opened by the Administrator in September 1951. It is a well-equipped building and has one of the finest assembly halls of any educational institution in Durban. It is provided with laboratories and class-rooms, with special rooms for the teaching of specialized subjects, such as domestic science, wood-work and art. It draws students from all parts of Natal, and in 1954 there were over 200 Indian students on the roll. It is hoped to add hostels to the Training College for the accommodation of these students in due course, though the matter has been shelved for the time being.<sup>1</sup> The education authorities also contemplate co-operation with the University in training secondary school teachers. Classes for the Bachelor of Education degree have now been going for several years and have been quite successful; and full-time classes for the University Education Diploma have now been added.

There are in Durban two large and well-equipped Indian high schools, one for boys—Sastri College—established through the efforts of Mr. Sastri, one-time Indian Agent-General in the Union, the other for girls, Dartnell Crescent Indian Girls' High School. This at first was badly attended owing to the prejudice of Indian parents against educating their daughters, but this has now been overcome to such an extent that Dartnell Crescent High School was, for a time, obliged to turn away students. The foundation of Sastri College was especially important because it provided a focus for further Indian education activities and was also a centre for plays and lectures given for the benefit of the Indian community as a whole.

Progress is also being made with other forms of Indian higher education. To begin with, technical education was offered under the auspices of the Indian Technical Institute. It held part-time evening continuation classes and gave instruction in commercial and technical subjects in the premises of the Sastri College and other existing Indian schools. Then in 1942, Mr. M. L. Sultan offered £17,500 for the erection of separate buildings for technical instruction for Indians in Natal. But it was over ten years before suitable land was finally made available by the Durban City Council. The site at first contemplated was a desolate piece of land at the end of the Botanical Gardens, but so many protests were raised by Europeans about the allocation of this land to Indians

<sup>1</sup> In 1956, there was opened as a practice school for the Training College, an exceptionally beautiful and well-equipped primary school fitted with all the latest improvements in primary education.



that the proposal had to be dropped. Negotiations about the Curries' Fountain land which followed dragged on for years. The Indian Sports Ground Association objected; they had developed and used the land for Indian games and athletics for many years and they were not convinced that the municipality would make other suitable land available to them.

Meanwhile, the Indian Technical Institute was steadily growing. In 1946, it was raised to the status of a Technical College under the Higher Education Act. The College Council then appointed a European principal and embarked on a programme of expansion, hoping that premises would be made available for it. It began to cater for women by offering classes in such subjects as typing and shorthand and dressmaking; another interesting point was its organizing of classes for waiters working in the Durban hotels; further, it also prepared students for the Matriculation examination. It was anxious to establish classes for Indian apprentices, but this was impossible until such time as it had its own buildings and laboratories. After what seemed like interminable delays, a site valued at £30,000 and a donation of £11,000 were finally granted by the City Council, and an extremely beautiful and elaborate building has been erected, properly equipped for apprenticeship training, with the title, the M.L. Sultan Technical College.

Developments in university education were also taking place. The University of Natal, at that time the Natal University College, had established a separate section for non-European students in 1938 where classes were offered in certain degree subjects only. Once again the premises of Sastri College were used. These classes catered mainly for part-time students of whom the majority were Indian teachers, though a certain number of African men and women also availed themselves of the opportunity offered. At present the numbers of full-time and part-time students as well as the number of Bantu students are steadily increasing. Non-European students of the University of Natal may now take degrees in the faculties of Arts, Social Science, Commerce, Education, and more recently, Medicine. By 1948, 123 non-European students had graduated from the Natal University College, which until that time was a constituent college of the University of South Africa. In 1948 the University of Natal obtained its own charter, and has since conferred degrees on 143 of its non-European students, of whom 108 have been Indians.

In 1951 a Medical Faculty for non-Europeans was added to this provision for non-European education at the University of Natal in Durban. This new faculty was financed almost entirely by the government on generous lines, and is intended mainly to train African doctors for the service of their own community. The government provides fifteen loan bursaries a year for intending African doctors, and in due course will spend over £19,000 per annum on these bursaries. Indian and Coloured students are also admitted, mainly as fee-paying students, though there are now a certain number of

small bursaries available for them. A building, costing some £350,000 equipped with ample and up-to-date accommodation for classrooms and laboratories was formally opened in July 1955. It is situated next to the King Edward VIII Hospital, one of the largest hospitals in the southern hemisphere, and the preliminary scientific work of the new Medical Faculty is undertaken at Wentworth Buildings, eight miles from Durban, where hostel accommodation is provided, which is a serious disadvantage to students in their clinical years. Plans are contemplated for securing a piece of land adequate for the further provision of hostels and new buildings for all non-European students, including medical students, during the first two years of their course. It will then, for the first time, be possible to provide much needed degrees in science for non-European students. The Natal Education Department badly wants fully qualified science teachers, but owing to the absence of laboratory facilities it has not hitherto been possible to establish science courses.

We may now return to the activities of Indians in charitable and social work. To a large extent these are still run on almost mediaeval lines. It is often asserted that the wealthy Indians do very little for their own people, and nothing at all for the Africans. Both these statements are false, though on the whole it is true to say that much of their charity is still indiscriminate. The duty of alms-giving is very strictly inculcated by the Koran and on certain days of the year Muslims keep open house for anyone who appeals to them for a meal. They also in certain circumstances provide food-stuffs which the poor can carry away for consumption in their own houses. The idea of systematic charity organized on scientific lines is still foreign to many of them. But in one very interesting instance this mediaeval attitude has been overcome, mainly through the influence of a European, Mr. Paul Sykes, who has been responsible for the establishment of the F.O.S.A. Settlement (Friends of the Sick Association).<sup>1</sup> This organization has grown and developed in a most extraordinary way under the spur of combined religious enthusiasm and the organizing ability of its founder and his wife. Furthermore, it is interesting not only because it shows how much can and has been done by one dedicated individual, but also because it is showing that the Indians, when properly led and trained, are quite as capable as any other race of developing modern methods for tackling social problems. Another indication of the fact that the Indians are conscious of the need for charity among their people is the existence of the Durban Indian Benevolent Society, the Durban Indian Child Welfare Society and the Durban Blind Society—all supported liberally by the Indian community itself, the two latter organizations receiving a certain amount of government aid. The Indians have also contributed to the extension of the Indian hospital

<sup>1</sup> See Note at the end of this Chapter, pp. 173-4. See also C. A. Woods, *The Indian Community of Natal*, Vol. 9 of Natal Regional Survey.

—St. Aidan's—and as we have already noted, they have borne heavy expenses in the erection of Indian primary and secondary schools.

The Durban Indian Child Welfare Society was established in 1927.<sup>1</sup> Today there are twelve child welfare bodies endeavouring to serve the needs of the Indian community throughout Natal. All these organizations were co-ordinated under the Natal Council for Child Welfare, founded in 1941. The Union Department of Social Welfare contributes up to 50 per cent of all costs in recognized fields of activity. However, the major portion of the annual expenditure of the Durban Indian Child Welfare Society, which amounts to approximately £3,000 per annum, is met by the Durban and District Community Chest. The City Council, the South African Council for Child Welfare and the Natal Indian Teachers' Society also make grants to Indian Child Welfare, varying from £100 to £300 per annum. The Durban Indian Child Welfare Society attends to over 6,000 cases a year and is of course under-staffed and over-worked.<sup>2</sup> In an endeavour to relieve this situation about twenty care committees consisting of Indians were formed as assistant bodies to the existing child welfare societies. It is only through the successful development of this voluntary service that the society has been able to cope with its work, and to open new and very necessary services for the Indian community such as two milk clubs, five sewing classes, and a Mothers' Welfare Clinic.

The development of the Natal Indian Blind Society has been most encouraging. It, too, has care committees functioning in many parts of Natal and has succeeded in collecting sufficient funds for the establishment of a workshop and hostel for the Indian blind. The Indians have also contributed to African welfare. They have established medical bursaries—the Dadabhay bursaries—to enable African students to qualify as doctors. The Indian community has also contributed generously to McCord's Hospital, which is mainly for Africans, and to Adams' College,<sup>3</sup> which is entirely for Africans.

The Indian community in Durban also has certain facilities for sport which forms an important part of their social activities. The principal sports enjoyed by Indians are soccer, cricket, lawn tennis, athletics, cycling, table tennis, hockey, netball, swimming, weight lifting, boxing, wrestling, golf, physical culture, and motor cycling. Of these the most popular is soccer with approximately 250 clubs representing 3,000 players in Natal alone. Soccer is well supported

<sup>1</sup> Mrs. A. Christopher has been associated with this particular body from its earliest days and has rendered valuable service to it. She is the wife of the Indian lawyer who was the first President of the Colonial Born and Settlers' Association and one of the initiators of Indian technical education in Durban. See p. 114.

<sup>2</sup> This society is served by a very able secretary, Mr. B. A. Naidoo, who received his training at the Natal University College.

<sup>3</sup> Adams' College has now been taken over by the government under the Bantu Education Act, and its name is to be changed.

among Indians throughout the Union and is controlled by the South African Indian Football Association, which organizes national tournaments twice a year for the Sam China Cup. Ten years ago the Soccer Federation of South Africa was established with an open constitution embracing the National Association of Africans, Coloured and Indians. Also popular is cricket, as well as hockey and tennis. The two latter are also played by Indian women and several tennis clubs in Natal and the Transvaal have a mixed membership of men and women. Table tennis as an indoor game has attracted many Indian enthusiasts and several clubs have been formed which are affiliated to the Natal Table Tennis Association and to the National South African body, which has received international status. Boxing and golf have both made a strong appeal to Indians. In spite of difficulties such as the lack of adequate courses, the membership of the Durban Indian Golf Club continues to grow. It may be remembered that, some years ago, a local Indian named Boodhan, but more generally known as 'Bambata' in golfing circles, was sent to England to play in the British Open Championship and also toured part of Europe. The Indian Life Savers' Club was formed over twenty years ago. It consists of voluntary life savers, whose efforts have earned them a high reputation.

As for opportunities of general cultural advancement, the Durban Municipal Library has quite recently established a branch for non-European readers. There are several cultural clubs which arrange for debates and lectures among their members, for example, the Arabic Society. Mention should also be made of the Durban International Club. This is a comparatively small body, but it has no unsatisfactory quarters near the centre of the town and persons of any race can be members. Apart from the very few private houses where non-European guests are received, and a small number of Indian restaurants, it is the only place in Durban where a European and a non-European can meet and talk in a civilized manner over a cup of tea. It is strictly non-political, but provides the usual club facilities, bridge, chess, lunches and receptions to distinguished guests, lectures and debates. For some time it received a government grant for its work in adult education, but later the grant was withdrawn since the club did not comply with the new requirements of segregation in educational and cultural work. One of the most interesting activities of the club is the production of plays. It has staged three Indian plays; the latest being the mediaeval Indian drama *Sakuntala*. The dresses and decor were extremely well done, and it was attended by crowded audiences, including some Europeans, for several nights. It was also performed at other centres in Natal and in Johannesburg.

The Bantu, Indian, and Coloured Artists' Association provides the non-European community in Durban with the opportunity to develop and express their artistic talents. It is under European leadership and the well-known artist, the late Nils Solberg, or-

ganized art classes for non-European students and encouraged them to hold exhibitions of their work.

There are several Indian cinemas in Durban and other towns where Indian and European films are shown. The Indians complain that the censorship exercised over the Indian cinemas is too strict and prevents them from seeing some of the more noteworthy European productions. However, this has been partially overcome by the formation in 1954 of an International Film Society by non-Europeans in Durban to show to members films of high cultural value which are not generally shown in the commercial cinemas.

It can be stated therefore, that black as the lot of the Indians in South Africa is, there are many alleviations. In education, cultural activities, charitable institutions, and sport there are opportunities for them to develop as in any other civilized community.

It may be convenient here to discuss the position of the Indian agricultural community which has not hitherto been dealt with. There seem to be three classes who take up their land by hire, lease, or purchase:

- (a) The market gardeners who cultivate small plots and sell their produce in the Durban market. At Avoca there are some flourishing flower farms which also supply the Durban market;
- (b) the second class consists of small farms worked by the owner's family. They cultivate general crops, for example, maize, beans, bananas, and tobacco;
- (c) and finally a few large sugar farms are owned by Indians who send their cane to be crushed by European mills.<sup>1</sup> Although no help is given to Indian farmers, their sugar farms share in the benefits which accrue from agreements affecting the sugar quotas and price.

The Indian farmer occupies a very special position in Natal. He is not a farmer in the ordinary sense, i.e. he is not engaged in large-scale capitalistic enterprise involving the cultivation of crops for markets by employing a large body of hired labour. This is what is meant in Natal when white farmers are referred to. On the other hand, the Indian is not a mere subsistence farmer like the Africans in the reserves, though as a rule he does not produce on a large scale for transportation by rail or road to distant markets. It is in accordance with the usual neglect of Indian interests that no attempts have been made to provide them with any form of agricultural education or to grant them any kind of credit facilities, or to help them in the marketing of their produce through co-operative societies. They are frequently accused of spoiling the land they occupy through unwise farming methods. The Veld Trust which aims at soil conservation has recently started an Indian branch, but there is still no help given to Indian agriculturalists by any govern-

<sup>1</sup> There is, however, one small Indian mill.

ment department or organization such as that given to European farmers in the form of loans and equipment, free advice, etc.<sup>1</sup> Under these circumstances of government neglect the Indians can hardly be blamed for their misuse of the land. They should be helped to form co-operative societies for the marketing of their produce.

#### NOTE ON THE FRIENDS OF THE SICK ASSOCIATION SETTLEMENT

The Friends of the Sick Association Settlement at Sea Cow Lake forms a very interesting study. Its founder, Mr. Paul Sykes, began his career among the Indians by living with them and getting to know their difficulties at first hand. He gave up a university post in order to undertake this activity and many of his friends believed that for a time he nearly starved himself. Finally he concentrated his efforts on dealing with tuberculosis among the Indians. He organized a society whose membership was exclusively Indian into a series of care committees whose business it was to visit and help tuberculous Indians. Members of these care committees are expected not only to give what relief funds may make possible, but also to advise families on how to deal with tuberculosis in order to prevent it spreading to other members of the family. There are now 39 care committees throughout Natal. They have raised and spent about £24,000 in the last 11 years. Very soon, however, Paul Sykes came to realise that care committees were not sufficient, that there was need for some place where 'contact families' could be kept while the actual sufferer of tuberculosis, usually the breadwinner, was sent to hospital. He received a grant of land from an Indian in a remote district of Durban, near the Umgeni River, and succeeded in raising funds from well-wishers and sympathizers. He and one or two Indian friends then set to work to build cottages for the purpose of providing for contact families and also for children suffering from tuberculosis. In the meantime, Sykes and his helpers lived in tents on the site while they carried on their building operations.

There is a romantic incident connected with one of his earliest helpers and one may perhaps be pardoned for alluding to it here. Sykes received one day a letter from a Dutch lady at the Cape saying she had heard of his scheme and would like to help. He answered saying that the scheme was still in its very earliest stages and that when it was further advanced and conditions better for

<sup>1</sup> For additional information on Indian agriculture, see Halliday, I. G., 'Indian Market Gardeners of the Peri-Durban Area' (Unpublished thesis, University of Natal.); Fair, T. J. D., *The Distribution of Population in Natal*, Natal Regional Survey, Vol. 3, 1955; Prof. H. R. Burrows, *Indian Life and Labour in Natal*, South African Institute of Race Relations Pamphlet, New Edition, 1952.

work he would then ask for her assistance. The lady, however was not satisfied, pointing out that she wanted to be associated with the pioneer stages and preliminary work of the scheme. She therefore, joined the small party and a few months later her engagement to Mr. Sykes was announced.

The F.O.S.A. Settlement has grown and developed within a very short time. It has several wards for tuberculotic children, and has now so many child inmates that a school has been started for them. New cottages are constantly being erected for the contact families, and a wood-work centre and a weaving school have been started to provide work and occupational therapy for patients in the later stages of the convalescence. Conferences are held periodically at which care committee members are instructed in their duties. Everything in the institution is very simply organized and little outside labour is employed. This venture has been so successful that it has become a pattern for the rest of South Africa. A similar settlement has already been established at Botha's Hill, for the Africans, by Mr. Donald Mackenzie, and another is meeting a similar need at the Cape. There are in fact thirteen such settlements. The large number of people who pass through the F.O.S.A. Settlement and who serve as members of the care committees are all being trained to understand the methods by which at least one social problem can be combated. In comparison with the magnitude of the problems of poverty and disease among the Indians, the F.O.S.A. Settlement is a small enterprise, but it is at least an encouraging beginning.

## CHAPTER IX

### THE PRESENT SITUATION AND THE FUTURE

AT the present time, the state of racial tension in South Africa is probably greater than it has ever been. The Nationalist Party appears to have dropped the policy of expulsion and to have replaced it by one of rigid segregation, but it makes no secret of the fact that it regards the Indians as an alien race and unassimilable with the rest of the population of South Africa. They refuse to give them any political rights though some form of communal representation exists for the Africans and is being contemplated for the Coloured community in exchange for their present position as voters on the common roll. The United Party policy was to offer them some form of communal representation though there is some resentment because the Indians refused to take communal representation when it was offered them.<sup>1</sup> It is argued in United Party circles that, had they done so, the Nationalists would never have attained complete power in 1948. A few years ago a leading Nationalist in Pietermaritzburg, addressing a meeting of Indian teachers, declared that he believed some Indians to be reputable and hardworking people (as indeed is the truth), well worthy of some form of South African citizenship. But the next meeting of the Provincial Nationalist Congress lost no time in expressly repudiating these views. The Suppression of Communism Act is being put into vigorous operation against Indians as well as other sections of the community. Further, passports are refused without any reason being given.<sup>2</sup>

But it is not only the Nationalist Government and its supporters who are anti-Indian. By far the greater part of the European population hold the same views. Indeed the anti-Indian agitation is at its height in Natal, where the Nationalist Party is weakest, and especially in Durban, which is predominantly English-speaking. Complaints are constantly being made of Indians using the parks, beaches, and town hall, and the open discourtesy shown to Indians in shops and offices must be most galling to these sensitive people. It is only fair to say, however, that in the opinion of a competent Indian observer there has been a considerable improvement in recent years in the behaviour of shop-assistants to Indians, though the attitude of the

<sup>1</sup> Recently, however, this policy would seem to be less definite (Editor).

<sup>2</sup> The instance that aroused the greatest indignation was the refusal of the Department of the Interior to grant passports to 17 Indian soccer players a few days before they were scheduled to leave Durban to make the first South African Indian sporting tour of India. (*Daily News*, 30 April 1953.)

government is as harsh as ever. There are sometimes unprovoked attacks on Indians by bands of European hooligans, but their behaviour is not typical.<sup>1</sup> Sometimes, however, the anti-Indian agitation over-reaches itself. Recently the *Skakel Komitee* (the non-political Committee representing Afrikaner cultural organizations in Durban) wrote to the City Council protesting against 'dirty and insanitary coolies' being allowed to engage the City Hall for some Indian functions. This evoked strong counter-protests; it was pointed out that the Indians were ratepayers and had a right to the use of municipal buildings, and further that on former occasions they had behaved well and caused no difficulties whatever. The City Council disregarded the *Skakel Komitee's* demand and leased the hall on the usual terms to the Indians.<sup>2</sup> But this unfortunately is an isolated case of good sense and tolerance. Usually the prejudice against Indians shows itself perpetually in all the contacts between them and Europeans.

It may be worth while to spend a little time considering the cause of this prejudice. It is a part, of course, of the general attitude to people who have not white skins. Among the Afrikaans population this prejudice is, if not excusable, at least understandable. Had the Afrikaners in the days of the Great Trek not established a firm line between themselves and the black hordes into whose midst their intrepid adventure carried them, they would have been swallowed up and have lost nearly all their white civilization. As it was, the Afrikaners did lose a great deal. The Trekkers of the eighteenth and nineteenth centuries, penetrating far into the interior beyond the bounds of government, lost touch to a considerable extent with civilization and reverted almost completely to a primitive subsistence economy, living mainly on what they themselves produced, with very few exceptions such as coffee, sugar, and silk and cotton cloth. In particular many of them lost all knowledge of the sea and sea-faring, which had up to this time formed the major part of their heritage.<sup>3</sup> They remained, however, in a very broad sense *literate*,

<sup>1</sup> Recently a couple of inoffensive Indian waiters going home after their evening's work were attacked and beaten up by a party of young European hooligans for no reason apparently beyond the fact that they were Indians. (*Daily News*, 5 and 9 Dec. 1953.) Further, it was recently reported in *The Graphic* (Durban, Saturday, 16 April 1955) that 'gangs of Europeans armed with knives, knuckle-dusters, sjamboks and other similar weapons, made a brutal attack on Indians during the recent Rand Easter Show. Indian women also have been viciously attacked'. These are but two reports of incidents that take place from time to time in South Africa's multi-racial community.

<sup>2</sup> *Natal Mercury*, 9, 10 and 11 Sept. 1954; *Daily News*, 10 Sept. 1954.

<sup>3</sup> The extent to which the Boers had lost touch with their historic past is indicated in a letter from a Boer prisoner-of-war writing to his wife in great astonishment that the sea at Simonstown was salt. This comment from a man whose ancestors 200 years before had been the greatest sea-faring people in the world shows the extent to which the Trekkers had lost touch with their former environment. It is regretted that no reference can be given as the book is not available in South Africa.

Christian, and monogamous. But this was achieved by a strict adherence to the demarcation between themselves and the barbarians surrounding them.

The other factor to be emphasized in the position of the Afrikaner community<sup>1</sup> is that it has no other homeland than South Africa, which it loves with a devoted attachment. Its links with Holland are now historic only; even its language has been changed from High Dutch to Afrikaans. Many English-speaking South Africans are still conscious, sometimes acutely conscious, of their origins. There are in Natal many people who are still Imperialists and jingoes in the nineteenth century way. To many English-speaking South Africans Great Britain is still 'home'; it is still there as a refuge should conditions in South Africa become too irksome to be borne.<sup>2</sup> But for the Afrikaner there is no such refuge; his future destiny lies in Africa alone. It is, therefore, no wonder that he claims the right to shape that destiny according to his own ideal of separateness from the non-white population who surround him. It is his misfortune that these ideals are out of date in a world steadily moving towards racial equality and the elimination of racial discrimination. It will, however, take many hard knocks to convince the Afrikaners that what they aim at is in fact impracticable, even in South Africa itself, and totally incompatible with the views and purposes of the world outside South Africa. These people are as tenacious of any opinion once adopted as were their Dutch ancestors. This situation explains why the South African so bitterly resents overseas criticism. He thinks he is being accused of ill-treating the blacks according to his own standards; there are in fact plenty of abuses of this sort, but they are condemned by good Afrikaner opinion as well as by the English-speaking section. But he does not understand that he is being criticized for his very standards themselves. The doctrine of his own racial superiority is so obvious to him and so ingrained in his whole mental make-up that he cannot conceive that other people will not recognize it and give him credit for his often quite genuine efforts to improve the condition of the blacks within the limits of the recognition of his own right to supremacy and 'separateness'.

But why do English-speaking South Africans in Natal adopt the same attitude and why, especially, do they so intensely dislike the Indians? This is not too strong an expression of the statement one often hears in Natal: 'I do not mind the Natives. After all it is their country and we must do something for them. But I cannot stand the coolies; the sooner we get rid of them the better.' Another instance of the causeless prejudice against the Indians was supplied

<sup>1</sup> The term Afrikaner is used to indicate Afrikaans-speaking South Africans.

<sup>2</sup> Article in *The Spectator*, 'Party Politics in South Africa', Part 1, by Henry Williams, Fri. 4 March 1955.

by the experience of a schoolgirl friend of mine. She read a paper at a meeting of a school society on the Indians. Her fellow school-mates would hardly listen to her, and turned her efforts into ridicule, and at the conclusion of the meeting a mistress who was present referred to the Indians as 'those cockroaches of Grey Street', to the great applause of her hearers. This incident occurred at one of the leading secondary schools in Durban, attended by girls of important European families.

In the first place, it is not so very long ago since most Englishmen believed in the doctrine of race-supremacy. It was as firmly held by many of the 'sahibs' in India as by the Afrikaners. Then, even immigrants from relatively liberal circles in Great Britain are inevitably affected by the new 'climate of opinion' in which they find themselves. In fact most Britishers in South Africa very quickly adopt the attitude of the surrounding society and sometimes adopt an attitude of racial superiority even more extreme than that of the older inhabitants. In some cases this change of opinion is due to conviction when the backwardness of the Native peoples is realized; sometimes it is due to a wish to prove they are as good South Africans as anyone else. Most South Africans show a good deal of personal kindness to the non-Europeans who wait on them, provided they are not 'cheeky', i.e. show by their demeanour that they accept this inferior position. There is, of course, a minority of newcomers who remain faithful to their principles and challenge the commonly adopted South African methods of dealing with non-Europeans. It must be remembered that a great deal of South Africa, but especially Natal, is conditioned by the system of migrant labour. By this system a very large amount of the labour force of the country is provided by tribal Natives who leave their families in the reserves and merely come out for periods, which are getting steadily longer, to work for white people for cash wages and sometimes also food and quarters. Practically all the domestic servants and many of the African factory-workers in Natal belong to this class.<sup>1</sup> When the Indians began to be unpopular in Natal, the white inhabitants began to inquire why they could not be treated in the same way as the Natives and sent back to their own country when their term of service was finished. This led to the many fruitless attempts to secure that Indian indentures should terminate in India, and to that disastrous compromise of the £3 Tax.

<sup>1</sup> For further information on migrant labour see Institute of Race Relations pamphlet, Vol. 2, Nos. 3 and 4, *Vanishing Lands and Migrant Labour*, 1944, being an account by Maurice Webb of the Report of the Mine Wages Commission (Smith Commission); Institute of Race Relations Publication, *South Africa's Changing Economy*, May 1955, with special reference to the article of Prof. Hobart Houghton; Social and Economic Planning Council Report No. 9, *Native Reserves and their Place in the Economy of the Union of South Africa*, (U.G. 32, 1946); 'The Economic Motive for Native Migration to the Town', by Major F. Rodseth, published in *Optima*, March 1954; *The Native Reserves of Natal*, especially Ch. 7, Natal Regional Survey Vol. VII.

There is still another way in which the existence of the Natives in South Africa profoundly affects the attitude of the Europeans to the Indians. If political and economic concessions are granted to the few hundred thousands of Indians, it will be difficult to withhold them from the swarming millions of Africans, and then what will become of the white man's privileged and dominant position? Another factor causing Europeans (both English and Afrikaans) to dislike and dread the Indian is fear of his economic competition.<sup>1</sup> That an Indian should possess a motor-car is an affront to every poorly-paid European who must travel by municipal bus. There is also the natural objection of uneducated people to customs that are unlike their own; the smell of curry, the sound of Indian music, and large numbers of women and children in the Indian joint-households. These latter are often misunderstood. When an ignorant and prejudiced European sees many grown women in a household, he jumps to the conclusion that they are all wives of the head of the house, whereas in truth they are the wives of the sons, and their relations with their father-in-law are governed by a strict etiquette of mutual respect. A few, very few, polygamous marriages occur among wealthy Mohammedans. The bulk of the community, including practically all the Hindus, are monogamous. Very little divorce occurs, and both the illegitimacy and immorality rates are low.<sup>2</sup> In actual fact Hindu custom upholds monogamy, and even the custom which prevails in India, and existed among the first generation of indentured Indians in Natal, by which a second wife might be taken by permission of the first should she prove barren, no longer holds in Natal today. It is not, however, clear why European opinion should, even if the Indians were polygamous (which they are not), condemn them, while it cheerfully condones polygamy in the Zulu. Indian large families also produce in the European, who now commonly limits his family to an average of three, a fear that the Indians will increase much faster than the Europeans so that the latter will in the end be swamped. Furthermore, the low-grade European fears the competition of the intelligent, disciplined, and hardworking Indian. The fear and jealousy of the moral and intellectual sub-normals in European society can only be bolstered up by the protective device of racial segregation and racial discrimination.<sup>3</sup>

In my opinion, however, there is an even more profound reason for European prejudice against the Indians in Natal. The Europeans know (but will not admit it) that the Indians have not been fairly treated by the descendants of those in Natal who were saved from

<sup>1</sup> See Chapter V, pp. 81-9.

<sup>2</sup> cf. *The Indian Community of Natal*, 1954, by C. A. Woods; Natal Regional Survey, Vol. 9, pp. 101-102.

<sup>3</sup> *Natal Daily News*, Editorial, 7 April 1955, on a recent utterance by Minister of Labour, Senator J. de Klerk; see also *Natal Mercury*, 7 April 1955; *Natal Daily News*, 6 April 1955.

bankruptcy in the middle of the nineteenth century. And do we not always dislike those whom we have treated badly? And do we not always try to rationalize our dislike by inventing all manner of good reasons for it?

Then again the appeal of the Indians to the United Nations has certainly sharpened public opinion against them. It is commonly held that they have insulted and decried South Africa and started the campaign of overseas calumny of which South Africa now so bitterly complains. It is held that the Indians are disloyal to a land which has received them and provided many of them with a living and some with wealth in place of poverty. Certainly the various discussions of the South African Indian question in the committees, councils and assemblies of the United Nations have increased the disfavour with which the Indians are regarded by ordinary white public opinion in South Africa.

The corresponding Indian attitude to the European has also hardened in fixed suspicion and hostility, and loss of faith in the bona fides of the European. This is not to be wondered at, considering the humiliations inflicted, the restrictions imposed on them, and the dread of the uncertain future awaiting them.

But there is, as usual, and indeed as is to be expected, a division of opinion in the Indian community. The Natal Indian Congress has adopted a policy of complete and unrelenting opposition on the basis of fixed principles. It not unjustifiably refuses to have anything to do with the advisory committees which some local authorities are proposing to set up, and disbelieves the statements commonly made that the Group Areas for Africans and Indians are to be properly laid out and provided with the usual civic amenities. Indeed, in view of the past experience of segregated areas this attitude is not unreasonable. It will be remembered that only thirty years ago the Lange Commission said that the 'result of our visits of inspection to some of the colonies or so-called bazaars at present set apart for Asiatics in the Transvaal were not such as to inspire confidence in a general policy of segregation'. Of one bazaar near Germiston they said: 'This bazaar appeared to be in a very neglected and insanitary condition. The Indians residing in it complained that as regards lighting, sanitation, and other arrangements, their wants receive little or no consideration from the Municipality. These complaints were fully confirmed by our inspection, in which we were accompanied by the Town Clerk and Location Superintendent.' In Natal, until 1946, there were no definitely segregated areas for Indians, but it has long been true that the areas in which Indians mainly reside are normally neglected by the municipality. Therefore, the Indian attitude of suspicion is certainly not without its justifications.

On the other hand, the Natal Indian Organization shows a greater sense of reality. They take the view that the Group Areas Act is now law, that they cannot prevent its coming into operation,

and that under the circumstances it is desirable that they should be consulted in order that the Act, when put into operation, shall as far as possible take into account the needs and wishes of the Indian community. The Chairman of the Natal Indian Organization, Mr. A. M. Moolla, has asked for a guarantee from the Mayor of Durban that the new Indian areas shall be properly planned, provided with water, sanitation and light. But in the meantime, the controversy between the two Indian sections is being vigorously pursued. The Indian Organization is insisting that a policy of non-co-operation with the European rulers is impossible. They point out that it would involve the withdrawal of Indians from all positions held in the government, including teaching posts, and so would bring the Indian schools to a standstill; also that it would logically involve the withdrawal of all Indians from colleges and other teaching institutions run by Europeans. Indeed in the present position in South Africa non-co-operation is an impossible policy. The Indians are only a small minority; they can never under any circumstance expect to become the government of Natal and still less of South Africa. This policy of complete non-co-operation can be justified in such countries as India or Indonesia where the protesting section is the large majority and wishes to take over from the Europeans the government of their own country. But the situation in South Africa is very different. In the end, the small Indian section must co-operate with the other non-European groups, as indeed they do, but they must also co-operate with the Europeans. Therefore, the policy advocating complete non-co-operation with the government is, in South Africa, simply futile.

The attitude of non-co-operation defeats itself in another way. One reason for the unrelenting prejudice of Europeans against Indians is that most of them never meet educated or intelligent Indians. For them the Indian is typified by the ragged untidy vegetable 'Sammy' who calls at the back door with his baskets. They form, as psychologists say, a 'stereotype' of the Indian, corresponding to this poor and illiterate vegetable seller, and whenever proposals are made for any sort of collaboration with the Indians, this is the figure with whom they imagine they are called upon to associate. It should be the policy of the Indians to break down this barrier, to demonstrate to Europeans at every possible opportunity that there are cultured and responsible Indians quite capable of co-operation. How can this be achieved through a policy of non-co-operation? Instead of such a policy I suggest the Indian should seize every possible opportunity of meeting Europeans, though it must be admitted they have had practically no encouragement whatsoever from the Europeans in this direction. Still it would be in the ultimate interests of the Indians themselves that such an effort should be made. For instance there are in Durban various international bodies which could hardly exclude Indians if the question were raised. The National Council of Women does admit Indian



members but on a rather restricted basis. The same applies to the Medical Association. I suggest, for example, that arrangements should be made by which a reasonable number of Indian doctors should attend medical meetings. Other bodies should do the same.

In conclusion then we may ask: can anything be done to relieve the tension which exists at present between the European and Indian sections in South Africa? The irritation, suspicion, and misconceptions on both sides are so strong, that it seems almost impossible to find a way out of the existing impasse; but at least a few remarks on the subject can be made.

In the first place, the European community and the government must face the fact that the Indian is a permanent element in South African life and cannot be got rid of. Neither political party has yet produced a policy based on this fact. The extremists among the Nationalists are advocating compulsory repatriation. The fact that something like 90 per cent of the existing Indian population were born in South Africa and are by international law South African nationals makes this practically impossible. Were such a policy adopted it would still further blacken South Africa's reputation in the eyes of the world, and increase the international hostility to the country, of which the Nationalists so bitterly complain.

The United Party's policy on the other hand was one of voluntary repatriation with some form of communal representation for the Indians who remain. But this is also impossible. There would need to be very heavy subsidies to induce the Indians to depart. Not many would take advantage of the subsidies. It is becoming known in Natal that the condition of the repatriates in India is very far from ideal. An article by a Natal Indian journalist on a visit to Calcutta paints their fate in the blackest possible colours. He says that the repatriates, dazzled by the possession of the relatively large subsidies offered, find that, after all, the money does not go very far; that it is very difficult for them to fit into the scheme of village life from which they came, or to get jobs in India where there is a considerable amount of unemployment; that most of the repatriates are reduced in a few months to a condition of abject poverty.<sup>1</sup> The lucky ones are those who become aware of this situation in time and manage to raise the necessary passage money for a return to Natal which is permitted within a period of three years. In any case with the high Indian birth-rate, the place of the repatriates would soon be filled and the Indian population would be as large as ever; thus the government would simply be out of pocket by the amount of the subsidies. The Indians will probably not accept any form of communal representation. It worked very badly in India for the reasons indicated in Chapter VII, and, as we have already seen, the communal representation provided under the leadership of General Smuts by the United Party in the Asiatic

<sup>1</sup> Article by Rasseje S. Mowbath published in *The Leader*, 23 March 1951.

Land Tenure and Indian Representation Act was completely ineffective. The Indian community took no steps to nominate candidates for the seats reserved for Indians and this section of the Act was repealed by the Nationalist Government.

Therefore, the necessary foundation for any sound Indian policy in South Africa is full and frank recognition of the fact that the Indians are here to stay and have as legitimate a claim to stay as any European in South Africa. It should be remembered that after all, for many centuries, Indians have been a permanent part of the population of Africa. When Vasco da Gama sailed up the east coast of Africa he found all the coast towns in the occupation of Arabs and Indians and he was able to engage pilots to guide him to the mainland of India. It is true that they never penetrated as far south as Natal, but they were very far indeed from being strangers to the regions just north of Natal. Furthermore, it is to be remembered, as was indicated in earlier chapters, that the Indians who did come to Natal from 1860 onwards mostly came on the invitation of the Government of Natal with certain guaranteed rights insisted on by the Indian Government. These rights, however, Natal has never in practice recognized, however much they might be agreed to on paper.

The second point is that the problem must be settled in South Africa. Appeals to the United Nations have so far produced very little result, and have probably worsened the position of the Indians by the indignation they aroused among other sections of the population. The truth is that the position of both parties in relation to the appeal to the United Nations is illogical. The South African Government—whether United Party or Nationalist—insists that the matter is one of domestic jurisdiction only and that the United Nations has no right to interfere; but this is inconsistent with the argument that Indians are an alien element in South Africa and ought to leave the country. If the Indians are alien to South Africa then clearly the question is an international one and should fall under the authority of some international body. On the other hand, the claim of the Indians that they are South African citizens, and their demand to be fully recognized as such, would seem to be incompatible with an appeal to an outside authority. They have justification in the fact that although they are South African nationals they are certainly not granted anything like full rights of citizenship. But in any case, in practice, the United Nations can do very little as is proved by the fact that the appeal to that body has dragged on for ten years, and that the situation at the end of those ten years is worse than at the beginning. Theoretically, of course, the United Nations might impose sanctions against South Africa, might even go so far as to expel South Africa from its membership. It may be conjectured, however, that the United Nations would be slow to take any such action owing to the strategic importance of South Africa and the fact that it is one of the principal

sources of uranium. There are elements in South Africa which would probably regard expulsion from the United Nations as an advantage rather than a disadvantage.

The problem must be settled in South Africa and it must be settled by the co-operation of the contending sections. But at this point it must be admitted that the prospect is very gloomy. The Natal Indian Congress, which is after all the leading body, is irreconcilable and unrealistic. It knows nothing of the virtues of compromise and tactful approach to the problem. It has no power beyond that of passive resistance, and in view of the attitude of the Europeans, passive resistance produces very little effect. The Europeans, on the other hand, are more prejudiced against the Indians than ever—an attitude which has certainly been intensified by the appeal to the United Nations. India's boycott of South Africa, though it has produced some inconvenience, has not been anything like strong enough to have the slightest effect on the attitude of the government.

Under these circumstances it is only possible to say that, until the emotional atmosphere is altered by some means impossible to foresee at the present moment, nothing can be done. But it remains possible to speculate on what action could be taken supposing by some almost miraculous development the Indians became more reasonable and statesmanlike and the wall of European prejudice could be broken down. The first requisite, should such a change come about, would be some political representation of the Indians, some means by which they could secure the remedy of their legitimate grievances. Many people, anxious to avoid this issue of political representation, believe that the best way to approach the solution is to improve the social and economic position of the Indians. No doubt this should be done but it will not do away with the need for political representation. Otherwise the Indian community is at the mercy of the whims and prejudices of successive governments. At least about once in every ten years the tide of European irritation and prejudice provokes a crisis and the Indian community has then to mobilize its resources for deputations, memoranda, public meetings of protest, and, occasionally, passive resistance. The time, energy and money spent on those manoeuvres must be very considerable indeed and would be an answer, if an answer were needed, to the charge that Indians spend very little on benevolent activities for the benefit of their own community. As we have seen, these charges are not justified, but were they justified, an adequate defence could be found in the large sums of money necessarily and inevitably spent in protests against actions by the government.

No doubt the Indians sometimes cry out before they are hurt and sometimes see a completely innocent move of the government as a fresh intention to attack them. This was the case when an Act was passed by the government to provide for the beneficial

occupancy of land. This Act was really directed against a practice which developed in the Cape Colony of excessive fragmentation of land. The law of South Africa, based on Roman-Dutch law, provides for the equal division of a landed estate among all the children, and large families of descendants of the Voortrekkers caused, in some districts, fantastic sub-divisions, resulting in a man having perhaps as his share of the formerly ample estate of his grandfather or great-grandfather no more than an acre or two, which was not an economic holding and could not be properly farmed. The Indians, however, saw in the Act a danger to themselves. They are often accused of ruining the land they take up in Natal, and they were afraid that the Act might be turned against them. This was not intended and has never happened, but the Indian community expended a certain amount of money and time in protests against it.

Probably the most practical form of political representation would be the loaded franchise. The Indians would not accept the communal franchise and, indeed, for reasons already stated, their refusal would be justified. Still less would they accept any form of advisory councils; here again the fate of the Native Representative Council would justify their rejection. But a form of franchise giving the vote to educated and property-holding Indians would be a first step holding out the hope that, as the Indians advanced in education and property, more and more of them would be enfranchised on the common roll and so be able to exercise some political power.

They should also be given a place in relation to provincial and local bodies; much of their comfort and, indeed, health depends on the policy of town councils and other local authorities, including provincial councils. And to an unprejudiced person there would seem to be no reason why Indians should not be eligible for membership of these bodies. At the Cape, the late Dr. Abdurrahman<sup>1</sup> was for many years a respected member both of the Provincial Council and of the City Council of Cape Town.

More occupations should be open to Indians. At the present time, there is an acute shortage in South Africa of skilled craftsmen and of trained technicians, as is indeed inevitable when it is the policy that the services necessary for a population of twelve millions should be provided by a section numbering only two or three millions. In this way, two desirable aims could be attained. The shortage of labour could be overcome and decent prospects in life would be given to the many young Indians who now roam the streets, unemployed and despairing, and so drift into delinquency and ultimately crime. In this connection it should be remembered that the Indians are among the finest handicraftsmen in the world. The Indians have never been surpassed for delicacy of touch and fineness of craftsmanship in weaving, carving, and jewellery-work.

<sup>1</sup> Notwithstanding his name, Dr. Abdurrahman was a Malay and not an Indian, and would therefore rank as a Coloured man today.

The European superiority is due to the invention and use of machinery and not to manual skill, a point which is often forgotten, and which, <sup>56</sup> I am told by a former Indian administrator, shows itself also in modern methods of production.

The provincial barriers should be thrown down and Indians allowed to move about freely in the land of their birth. But perhaps most important of all, they should be treated with greater courtesy and their dignity and worth as human beings respected. Europeans in Natal, by refusing to know anything of the Indians who live amongst them, actually cut themselves off from many interesting and worth-while experiences. The number of dignified and distinguished looking elderly Indian men is noticeable. The young Indian girls are often lovely and admirably graceful in their brightly coloured saris. Many of the younger men are educated and intelligent. A natural human interest in the culture and customs of Mohammedans and Hindus would break down the barriers of race hostility and substitute a friendly attitude to fellow human beings. But these are only dreams. In fact the clouds of racial prejudice are darker than ever. Neither side knows the other, and it is the fixed policy of the Government to restrict their opportunities of meeting.

And yet, as said in the opening chapter, when looked at comparatively, the Indian problem in South Africa is a small matter. There are less than three-quarters of a million Indians in South Africa, smaller than the population of a large English city. And South Africa really, if it could but look at the matter straight, needs this population. It is calling out for skilled artisans and for good clerks. Such positions could well be filled by Indians. Why should South Africa seek abroad for immigrants when she has such admirable material at hand? If the provincial barriers were abolished and Indians allowed to seek employment all through South Africa, the three-quarters of a million would soon be spread more equally over the country. In particular, Indians could be admitted to the new Free State goldfields from which at present they are entirely excluded. If, too, the white inhabitants of Durban could learn to take some interest in Indian festivals and customs, in Diwali, the Hindu festival of lights, in Ramadan and the feast that concludes it, their whole lives could be enriched. Durban inevitably has a narrow culture, with a white population the size of a small English town and thousands of miles away from its source of origin. But in the Indians with their rich and varied culture, their long traditions of philosophy and art, it has a means of enriching and widening its experience which is almost unique in the world.

But in place of this amicable development, the Indians are so treated that they feel the only alternative for them is an appeal to India to bring their case before the United Nations, and straightway the fate of these three-quarters of a million people becomes a source of controversy between the Great Powers, and takes up a great deal of time of the United Nations—and with no result whatsoever.

But there is no hope of any change in the situation. The white inhabitants of South Africa are determined to keep their position of superiority and to get the Indians by direct or indirect means out of the country. The Indians are determined to cling to the land of their birth, which is as dear and familiar to them as to the Europeans. And so the conflict will continue.

In fact the clouds of racial prejudice are darkening and becoming deeper and more threatening on both sides. There is not at present the very faintest likelihood that any of the reforms outlined above will be carried out, or that the Indians will become reasonable and statesmanlike. There is a very real danger that South Africa will become more and more determined to doom herself to a profitless future of racial strife resulting in fear, resentment and hatred among the Indians and other non-white peoples.

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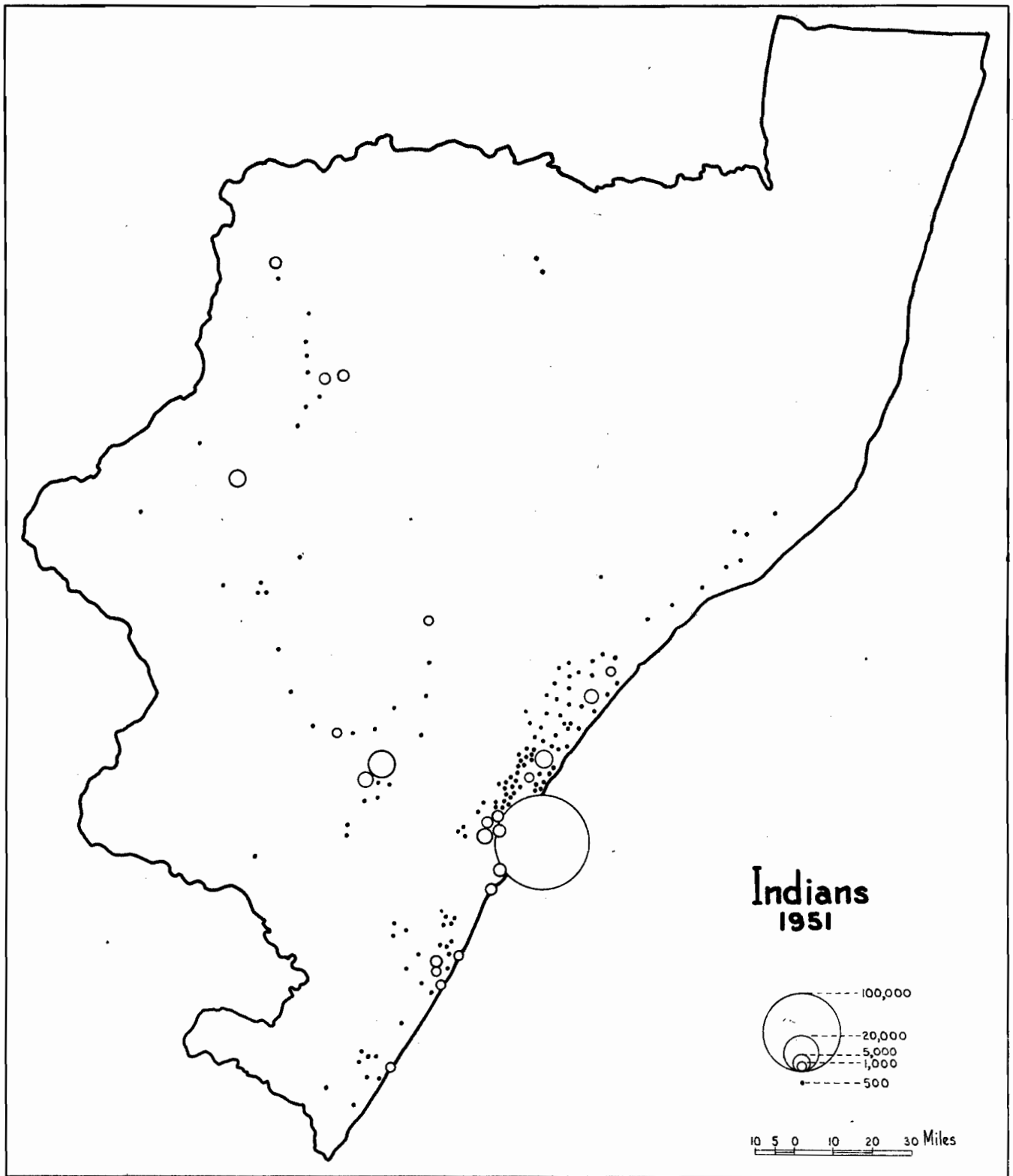
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Map showing the distribution of Indians in Natal, 1951