

# Mapping free Indian migration to Natal through a biographical lens, 1880-1930

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## *Abstract*

The history of indentured Indians has been well documented in South African historiography in terms of migration and settlement. Shipping lists, which meticulously recorded the biographical details of each labourer, together with Indian immigrant reports, provide a wealth of information on the early migratory and labour experiences of indentured Indians. Regrettably, similar documentation regarding passenger or free Indian migration to Natal is absent in the South African archival records. This article adopts a biographical approach as a methodological tool to map the identification practices involved in the migration of passenger or free Indian immigrants to Natal between 1880 and 1930. Both the colonial and Union governments sought to regulate the entry of these immigrants through a system of identity documents. Passage tickets, domicile certificates, affidavits, Certificates of Identity and passports not only facilitated and hindered both individual and family migration, but also show how citizenship was defined, and migration controls were instituted and administered to free immigrants. Thus, as British subjects, free Indian immigrants were not really free but had to constantly defend and reclaim their civic rights, and attest and verify their identity as the colonial and later the Union government sought new and creative ways to restrict and prohibit their entry. This article illustrates the usefulness of a biographical approach to migration studies, in not only highlighting individual but collective immigrant experiences, which provide a way of capturing the diversity, complexity and the transformational nature of free Indian migration to Natal.

**Keywords:** British Empire; Asiatic; Immigration; Free Indians; Citizenship; Biographical perspective; Natal.

## **Introduction**

The abolition of slavery in the British colonies in 1834 created an acute labour shortage. Under pressure from capitalists and plantation owners,

the British government resorted to the importation of indentured labour. More than a million Indians were shipped to various parts of the British Empire: East Africa, Fiji, the Caribbean, Mauritius and Natal.<sup>1</sup> Free Indian migration or passenger<sup>2</sup> Indians followed in the wake of indentured Indians. As British subjects, they felt that they were entitled to freedom of mobility and citizenship rights within the Empire. However, white settler societies in Canada, Australia and Natal were hostile to their presence, often regarding them as racially and culturally inferior and, in the case of Natal, as so-called undesirables. Subsequently, colonies motivated by racist ideologies, sought to define their own notions of citizenship and restrict this class of immigrants through immigration controls. This took various forms: an education test, requests for domicile and identity certificates, travel permits and passports, to name but a few. Radhika Mongia provides an excellent analysis of the notion of imperial citizenship and the ways in which it was recast as a result of migration. She labels the passport as a “technique of verification” that sought to uphold a universal principal of territorial sovereignty, guided by the “racialized logic of migration regulations”.<sup>3</sup>

In South African historiography, several studies have focused on attitudes and policies regulating immigration to the colonies and the Union.<sup>4</sup> However, the bureaucratic practices regulating passenger or free Indian immigrants to Natal have yet to be fully explored.<sup>5</sup> This article adopts a biographical approach

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1 C Jayawardena, “Migration and social change: A survey of Indian communities overseas”, *Geographical Review*, 58, 3, 1968, pp. 426-449; R Parbattie, “The indentured contract and its impact on labor relationship and community reconstruction in British Guiana”, *International Journal of Criminology and Sociological Theory*, 1, 2 December 2008, pp. 177-188.

2 “Passenger” Indians was a term used frequently in Natal to refer to individuals who arrived unencumbered by contractual labour obligations. The term “passenger” was self-coined by migrants and was used by them in many sworn statements for domicile applications, marriage certificates and affidavits, e.g. “I was a passenger on board the *SS Reichstag*” or “I came as a “passenger”. The early “passenger” migrants were assigned multiple labels: “Arab” or “Bombay” or “Banyan” traders, largely, because they hailed mainly from Bombay, were predominantly Gujarati speaking Muslim, and were conspicuous in their traditional attire, a “kurta” and “izaar” (trousers) and a skull cap (“turki topee”). Another label assigned was “free Indians”. Many ex-indentured Indians returned to India and later arrived as passenger Indians.

3 RV Mongia, “Historicizing state sovereignty: Inequality and the form of equivalence”, *Comparative Studies in Society and History*, 49, 2, 2007, p. 405; R Singha, “Settle, mobilize, verify: Identification practices in colonial India”, *Studies in History*, 16, 2, 2000, pp. 151-98.

4 S Bhana & J Brain, *Setting down roots: Indian migrants in South Africa 1860-1911* (Johannesburg, Witwatersrand University Press, 1990); K Breckenridge, *Flesh made words: Fingerprinting and the archival imperative in the union of South Africa, 1900-1930* (Paper, History and African Studies Seminar, University of KwaZulu-Natal, October 2001); E Bradlow, *Immigration into the union, 1910-1948 - Policies and attitudes* (Ph.D, UCT, 1978); U Dhupelia-Mesthrie, “The form, the permit, the photograph: An archive of mobility between South Africa and India”, *Journal of African and Asian Studies*, 46, 6, 2011, pp. 650-62; S Peberdy, *Selecting immigrants: National identity and South Africa's immigration policies, 1910-2008* (Johannesburg, Witwatersrand University Press, 2009).

5 S Bhana and J Brain, *Setting down roots*, Chapter 6.

as a methodological tool to map the identification practices involved in the migration of passenger or free Indian immigrants to Natal between 1880 and 1930. The biographical approach focuses on personal accounts and individual experiences of migrants in the migration process. This approach to migration studies has gained momentum over the past few decades. Several studies have demonstrated its usefulness in exploring migratory patterns and behaviour, the complexity of the migration decision-making process, identity constructions and the inclusion of gender as a category of analysis. In a recent publication, Dhupelia-Mesthrie, examined the mobility and identification process of Cape passenger Indians in the context of the archives and its significance for knowledge production. She advocated “a biographical approach to migration, where through collective biographies, we may try and read experience, difficult as that may be”.<sup>6</sup>

In this article I adopt the biographical approach as a methodological tool for two reasons. Firstly, it helps to overcome the limitations of archival records. Unlike indentured Indians, passenger Indians did not migrate under a state-regulated labour system; hence the absence of archival records such as passenger lists, captain log reports, ship’s medical reports and port records. Thus we know very little about the processes involved in the immigration procedures of free Indian immigrants to Natal. Secondly, individual narratives, based on personal documents, collectively offer a way of empirically capturing the complexity and diversity of the migratory experience.<sup>7</sup> Moreover, the intersections of gender and migration as well as generational relations become visible. Migration did not only affect the principal migrant, but also impacted on family members, particularly women and children who were left behind in India.

This article locates the discussion in two broad periods: pre-1913 and post-1913. By the 1880s free Indian migration had begun to gain momentum in Natal. To a very large extent, immigration policies were determined by colonial attitudes, which were largely anti-Asiatic. Pre-1913 immigration policies were devised and regulated by individual colonies. In the post-1913

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6 U Dhupelia-Mesthrie, “The form..., pp. 650-662, “The passenger Indian as worker: Indian immigrants in Cape Town in the early twentieth century”, *African Studies*, 68, 1, April 2009, pp. 111-134.

7 A community based organization, the Natal Rajput Association in KZN, held its centennial celebrations in July 2011. My colleague Dr Veena Rawjee and I published a commemorative brochure, titled “Tracing our roots – the Natal Rajput Association 1911-2011”. To assist us with this publication we appealed to the community for personal documents. The response was remarkable. We collected documents dating back to 1896: Birth certificates, Certificates of domicile and Certificates of identity, ship passage tickets, personal letters, diaries, business contracts and cards and a rich collection of photographs.

period, immigration policies were removed from the control of the provincial authorities and became primarily the concern of the Union Government. The latter followed a closed-door policy with regard to immigration, aimed at restricting free Indian immigrants in particular. The Union-wide Immigrants Regulation Act of 1913 put an end to all new immigration, including free Indians. The following year the Union Parliament passed the Indian Relief Act, which allowed the entry of one wife and minor children into the country of domiciled Indians. The Cape Town Agreement of 1927 both aided and limited family migration, in that domiciled Indians wishing to bring their children across to Natal had to do so before the age of 16 and they had to be accompanied by their mothers. Thus by the late 1920s, there were many applications by domiciled Indians who sought to have their wives and children join them in Natal. This involved a complex system of documentary and identification requirements. By examining the pre-1913 and post-1913 periods this research offers a comparative view of the ways in which the colonial and later the Union government sought new and creative ways to regulate the entry of free Indian immigrants to Natal.

### **Immigration, steamships and passenger liners**

Passenger Indians, like indentured Indians, were motivated to migrate for a variety of reasons: poverty, unemployment, adverse seasonal conditions, natural calamities and growing pressures on the land. For example, Kanjee Davah was born in India. In 1891 he inherited 40 acres of land. Nevertheless, in 1896, he immigrated to Natal, “because I could not make any money from the land and my uncle called me here”.<sup>8</sup> Others arrived in search of better employment prospects. Jeewan Dosa arrived in 1893, seeking to ply his trade as a skilled goldsmith. He wrote in 1898:<sup>9</sup>

Jadavjee and Deuw and I are brothers and lived together in family co-partnerships. Some five years ago we decided that we should go out to Natal to work as goldsmiths as we had heard that goldsmiths had a good opening among the Indian population in Natal. Consequently my brother Deuw was sent here and he opened a workshop. Soon after he had opened the business... Jadavjee was sent by me to join the business.

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<sup>8</sup> Killie Campbell Africana Library (hereafter KCAL), Indian immigration Appeal Board, File 7, KCM 99/53/7.

<sup>9</sup> Natal Archives Repository (hereafter NAR), Colonial Secretary's Office (hereafter CSO), Minute Paper: CSO 1801: 9272/1905.

The growth of transport and communication facilities in western India, particularly improved rail and road networks, linked small villages to towns and made communication easier. The prospects of a better life and new opportunities in Natal and other parts of South Africa quickly spread by word of mouth and letters. A Transvaal newspaper, *The Digger's News* wrote in 1897:<sup>10</sup>

It is surely a fair inference that these continued batches of Indians in Natal are the result of the knowledge having reached them that their predecessors had fared well in their new condition.

On arrival, they engaged in a variety of occupations: wholesale and petty trading and hawking; skilled artisans: shoemakers, goldsmiths and tailors; semi-skilled workers; managers, salesmen and supervisors within established businesses; wage labourers: railway and laundry workers; while a few were “special servants” to wealthy merchants. There was also a coterie of teachers and priests.<sup>11</sup>

Passenger Indians were issued with passenger passes at various embarkation ports in India, which requested the following details: name; gender; age; height; caste; bodily marks; and father's name. An examination of a selection of these passes reveals that migrants were heterogeneous in terms of religion, language and place of origin. For many, their journey to Natal was their first trip abroad. Bombay, Calcutta, Madras, Port Louis and Delagoa Bay (present day Maputo), were the main ports of embarkation. Most steamers carrying migrants went through the east coast ports of Delagoa Bay, Zanzibar, Mombasa and Beira to refuel, pick up supplies and take on new passengers. In the late nineteenth century, Bombay and Calcutta were the main ports of embarkation. For example, between August 1896 and January 1897, of the 1,964 passenger Indians who arrived in Natal, 1,749, (almost 90%) arrived from Bombay, 26 from Calcutta and 10 from Madras.<sup>12</sup>

Bombay was the main port of embarkation for many Gujarati speaking Hindu and Muslims, as well as Christian and Parsi migrants.<sup>13</sup> They hailed from western India, from the districts of Surat and Valsad in the Bombay Presidency and from Kathiawar province located along the Arabian Peninsula.

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10 M Gandhi, *The collected works of Mahatma Gandhi*, Vol. II (New Delhi, Ministry of Information, 1958-1959), p. 220.

11 S Bhana and J Brain, *Setting own roots*, pp. 34-37.

12 NA, *Natal Government Gazette*, Vol. XIX, No. 2859, 16 March, pp. 290-291; *Indian Opinion*, 1 May 1909.

13 MK Gandhi, *Satyagraha in South Africa* (Ahmedabad, Navajivan Press, 1950), p. 39.

Muslims came from various religious sects, such as the Khojas (members of the Ismaili sect) and Memons. The Hindus were stratified along caste lines: traders (Vania); artisans, Sonis (goldsmiths), Khattris (weavers), Mochis (shoe-makers), followed by the Dhobi (washerman); and agricultural groups, Kanbis, Kolis and Kachhias.<sup>14</sup>

Passengers embarking from Madras (Chennai) in the south originated from the coastal Andhra districts of Chittoor, Ganjam Godavery and Vizagapatam and were predominantly Tamil and Telugu speaking. Others came from Calcutta (Kolkata) and the central regions of India, where *Bhojpuri* was the principal language spoken. For example, Japal and his two brothers, Bhairoo and Ajodha hailed from Jamnapur (located in present day MadyaPradesh). Bhairoo was the oldest, born in 1856, followed by Ajodha (1872) and Japal (1874). In 1896, forty-year old Bhairoo travelled from Jamnapur to Bombay and purchased three passage tickets on board the *Naderi* for Natal. The brothers, then in their mid-twenties, embarked from Bombay and arrived in Natal in December 1896.<sup>15</sup> Goolam Mahomed Cassim Asmal, originally from the district of Surat, later moved to Calcutta which he described as his “Indian home”. In 1930, also at the age of forty, he embarked from Calcutta and later arrived in Natal.<sup>16</sup> The differentiated status of passenger and indentured Indians created a class distinction between the two groups, with passenger Indians often perceiving themselves as superior. The heterogeneous composition of migrants, noted by Brain and Kuper, dispels the myth that only Gujarati speaking Hindus and Muslim arrived as passenger Indians at the turn of the century.<sup>17</sup>

The early migrants arrived on board steamers, mainly run by British and German shipping companies in the late nineteenth century. In the 1880s, steamers carrying migrants to Natal included: *Pongola II*; *Congella III*; *Edward*; *Congella X*; *Congella XII*; *Mars IV*; *SS Reichstag*; *Umzinto IV*; *Umtata II*; *Saphani*, *Kanzler*; and *Congella XIX*.<sup>18</sup> These early steamers weighed between three and five tons and had a limited capacity of approximately

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14 S Bhana and J Brain, *Setting down roots*, pp. 34-37; K Hiralal, “The economic role of the Indian commercial class in colonial Natal”, *Alternation*, 7, 2, 2000, pp. 135-147, “The Gujarati Hindu community in KwaZulu-Natal”, *Anthropologist*, Special Volume, 4, 2009, pp. 81-90.

15 I Mangaroo, *Defy destiny, leave legacy*, Commemorative brochure, April 2011.

16 NA, Immigration Department (hereafter ID), File No. 8854, Goolam Mahomed Cassim Asmal.

17 J Brain, *Christian Indians in Natal 1860-1911: An historical and statistical study* (Cape Town, Oxford University Press, 1983), p. 8; H Kuper, *Indian people in Natal* (Durban, University Press, 1960). These works challenged the notion that all passenger Indians were from western India and only Hindu and Muslim in religious orientation.

18 Refer to J Brain, *Christian Indians*...., pp. 20-25.

400 passengers.<sup>19</sup> Consequently, in the 1880s and early 1890s, passengers leaving Bombay were often trans-shipped at Port Louis or the east African coastal ports at Delagoa Bay, Zanzibar or Beira before proceeding to Natal. In the early 1890s, two wealthy Muslim merchants, Dada Abdoolla and Moosa Hajee Cassim, based in Durban, with substantial business interests in Natal, Johannesburg and Calcutta, purchased steamers that introduced a mail and passenger service from Bombay to Natal through east African coastal ports (Delagoa Bay, Beira, Mozambique and Mombasa). Abdoolla was the owner of the *SS Courland*, *Hooseni* and *Khedive*. He was also an agent for the Bombay and Persia Steam Navigation Company which was founded in 1877.<sup>20</sup> Cassim was the owner of the *Crescent*, a two funnelled steamer of approximately 1,500 tons which ran a passenger service for a few years in the mid-1890s between Bombay and Natal. In the 1890s, Cassim and Abdoolla operated a regular weekly/fortnightly/monthly steamer service, which may explain the sharp rise in “passenger” Indian migration to Natal during this period. For example, between September 1896 and January 1897, of the 1,964 passengers who arrived in Natal, 1,426 travelled on board the *Courland*, *Naderi* or *Crescent*; the total number of passengers that disembarked from the *Courland*, and *Naderi*, was 886. On 11 September 1896 the *Courland* arrived in Natal carrying 275 passengers; on 18 December 1896, both the *Courland* and *Naderi* arrived in Natal, the former carrying 255 and the latter 356 passengers. The *Crescent* arrived from Bombay in Natal on 4 September and 13 November 1896, carrying 250 passengers on each trip.<sup>21</sup> The number of passenger Indians entering Natal increased between 1897 and 1904: 6,051 in 1897; 1,279 in 1901 and 8,141 by 1904.<sup>22</sup>

Other merchants also served as shipping agents. M.C. Anglia represented the Natal Direct Line, but in 1909, B Ebrahim Ismail and Co took over this agency. Their offices were located in central Durban. It ran a monthly mail and passenger service between Bombay and Natal through Delagoa Bay and Beira. The duration of the voyage on their steamers ranged from 17 to 21 days. Ismail and Co. also managed the Indian African Line. This ran a direct mail and passenger service between Calcutta and Natal. Osman Ahmed was an

19 *Indian Opinion*, 24 February 1906; *Al Islam*, 13 March 1908; The ship list, the fleets (available at <http://www.theshiplist.com/ships/lines/mogul.htm>, accessed 1 August 2011).

20 This company was founded in 1877 and participated in the Haj routes from early days. Popular routes of the company were Bombay-Karachi-Calcutta-Red Sea-Persian Gulf; Calcutta-Japan; and Bombay/Karachi-Jeddah.

21 NA, *Natal Government Gazette*, Vol. XIIX, No. 2859, 16 March 1897, pp. 290-91; *Al Islam*, 28 June 1907; *Indian Opinion*, 3 March 1906, 4 July 1908.

22 KCAL, Report of the Indian immigrants commission (Wragg) 1887, p. 69; Report of the Indian immigrants commission (Clayton) 1909, p. 6.

agent for the German East African Line; its office was also located in Durban. It operated fortnightly passenger and cargo services between Bombay and Durban, through Delagoa Bay and Mahe (the largest island in the Seychelles). Their most popular steamers in the 1880s and 1890s were the *Kanzler* and *SS Reichstag*. The firm also had an international office based in Delagoa Bay and a branch in Pretoria, established in 1908 and managed by Abba Mohamed and Hajee Habib, respectively.<sup>23</sup>

Shipping companies ran advertisements in local South African newspapers such as the *Indian Opinion*, *African Chronicle* and *Al Islam*, in Gujarati, English and Telegu on a weekly basis. These provided full details of departure and arrival dates, catering and accommodation facilities, passage fares and the contact details for shipping agents. Most steamships comprised of first and second class cabins and deck seats (third class). Most passengers opted for the latter due to their affordability.<sup>24</sup> For example, Tapi and Naran Makan purchased “Third Class Passage ticket” for 75 rupees on board the Indian African Line of steamers in 1916. (Refer to Image 1).<sup>25</sup>

Many shipping companies accommodated the cultural and religious diversity of their passengers. There were separate cooking and dining facilities for the vegetarian requirements of Hindu passengers. The crew on board were mainly natives of India, fluent in the local Indian languages, such as, Hindi, Tamil, Telegu and Gujarati and familiar with the customs and lifestyles of their passengers from diverse religious faiths (Hindus, Christians, Muslims and Parsees). During religious festivities, such as Eid Al Fitr, the Natal Direct Line ran special passenger services between Bombay and Durban. The company also took the initiative to inform family and friends in Natal by means of the local Indian newspapers of its passengers’ safe arrival in Bombay, thus saving relatives the cost of expensive enquiries. Conditions on board the steamers were generally satisfactory. The early steamers were slow and small in size. The journey to Natal took between 17 and 21 days. Decks were often crowded, with passengers swarming on the forecastle, causing discomfort to many. Passengers regularly lodged complaints with agents on safety issues with regard to overcrowding, poor sanitary facilities, expensive fares and the high fees levied on baggage handling.<sup>26</sup>

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23 *Indian Opinion*, 3 March 1906, 24 February 1906, 8 May 1909, 1 May 1910.

24 NA, NCP, 8/1/9/1/1, Wharfmaster’s report for the year 1892, pp. 45-46; *Indian Opinion*, 24 February 1906; 3 March 1906; 8 May 1909; 1 May 1910; *Al Islam*, 13 March 1908.

25 N Makan (Personal Collection), Courtesy Keshavbhai Makan of Durban, 2011.

26 *Indian Opinion*, 4 February 1905, 3 March 1906; *Al Islam*, 28 June 1907.



## **Pre-1913 Immigration restrictions**

In the late nineteenth and early twentieth centuries free Indians keen on residing in white settler colonies in the Empire were met with hostility. Immigration controls challenged their status as free British subjects, their right to free travel and residency in the Empire. In the 1880s, the rise in the free Indian population in Natal and the monopolization of trade by “Arab” traders led to a wave of anti-Indian sentiment. For example, in 1872 the free Indian population totalled approximately 5,000; in 1886 20,877; 23,793 in 1890; and 26,312 in 1893.<sup>27</sup> To appease colonial sentiment, after attaining Responsible Government in 1893, the Natal Government passed Act 1 of 1897, the Immigration Restriction Bill. The Act called for specific conditions to regulate and monitor free immigration.<sup>28</sup> These included a literacy test: an immigrant was required to fill out a form in a European language. The age of majority was set at 21 years for children seeking to join their parents and domicile status was acquired after two years of residence in Natal. These measures, which were later to be amended by subsequent acts, together with the procedures involved in acquiring a Certificate of Domicile, were intended to effectively restrict and monitor free Asiatic migration to Natal.

Certificates of domicile were issued to relatives, solicitors, and shipping agents by means of a verbal application without charge (fees were later imposed). To secure a domicile certificate, the applicant had to submit a sworn statement which had to include the following information: date of first arrival in Natal; arrival status (indentured or passenger); language proficiency: whether he could read and write in a European language; domicile status and history: dates of departures and return to and from the colony since first arrival; previous application for a certificate of domicile and place of application. The applicant also had to obtain affidavits by two “reputable persons”.<sup>29</sup> These were provided by family members, friends, business partners, colonists and solicitors. There were no requests for photographs or thumbprints. For example, Amod Mahomed Hafajee submitted a sworn statement for an application for a domicile certificate on behalf of his brother, Ebrahim Mahomed in 1897:<sup>30</sup>

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27 Report of the Indian immigrants commission 1885-1887, p. 69; Report of the Indian immigrants commission (Clayton) 1909, p. 6. The free Indian population refers to both “passenger” and ex-indentured Indians.

28 PS Joshi, *The tyranny of colour – A study of the Indian problem in South Africa* (Durban, EP & Commercial Printing Company Ltd, 1942), p. 58. The act did not specifically state that it applied to Indians, but it was aimed at restricting their entry.

29 NA, IRD, File No. 8889, Amod Domah.

30 NA, CSO 1522:4799/1897, Minute Paper, Application for a domicile certificate by Amod Mahomed Haffajee to enable his brother Ebrahim Hafajee to return to Natal.

I am an Arab storekeeper and reside in Estcourt. I came to the Colony in 1887 – I paid my own passage. I have a brother named Ebrahim Mahomed Hafajee aged 28 years, he came to Natal in 1889 having paid his own passage. My brother left Natal on a visit to India in September 1894 for the purpose getting a wife and to return to me. He is married and his wife's name is Fatima; we are partners in the trading business carried on at Estcourt and Newcastle as storekeepers. My brother is desirous of returning to Natal to join me with his wife and I apply for a certificate for them and on receipt I will advise him that he can return and send him the certificate required by law.

Wives and minor children accompanying their spouses had their status endorsed on their spouses' domicile certificates.<sup>31</sup>

Rungasamy Chetty arrived in Natal as a passenger Indian in 1893. He resided in the colony for nine years. He initially took to hawking, was later employed as a salesman and then owned a small retail outlet in Pietermaritzburg. In 1899, he was issued with a certificate of domicile which read as follows:

This is to certify that the person hereinafter described has produced evidence to my satisfaction that he has been domiciled in Natal.		
Name: Rungasamy Chetty	Age: 28	Height: 5ft 2in
Distinctive mark: scar left cheek	Country of birth: India	
Trade of profession: Storekeeper		
Place of domicile: No. 66 Church Street PMB		
Signed by James Forder Secretary Ass. Magistrate		
City; Magistrate Office, City PMB      8 December 1899		

Rungasamy was also given a file number, 967. No thumbprints were requested and he paid 2 shillings 6 pence for the certificate.<sup>32</sup>

In 1903, the Immigration Law of 1897 was amended, introducing “closer restrictions on Immigration” by instituting a new education test which required immigrants to complete an application form dictated by the Immigration Officer. The age of majority for minor children was reduced to 16, domicile residence was raised from two to three years<sup>33</sup> and applications had to be filed

31 KCAL, Indian Immigration Appeal Board (hereafter IIAB), Natal Supreme Court, Special case, Muniyamah and Others, 10 December 1920; Mariam Goga: Special Case, 10 December 1920; KCM File 4, 99/53/4.

32 KCAL, IIAB, KCM File 7 99/53/7, Application for a domicile certificate by Rungasamy Chetty.

33 A domicile is defined by the act as follows: the place in which the person resides, or to which he returns, as his place of present permanent abode, and not for a mere special or temporary residence. For the purposes of this act, for a place to be deemed a domicile, the applicant had to have resided there for at least three years.

personally, with a thumbprint and signature affixed to all new certificates.<sup>34</sup>

According to Harry Sparks, the Immigration Restriction Officer (IRO), the amendments were necessary due to the proclivity of some Indians seeking to enter by “illicit means”, through Delagoa Bay. The new educational test was prompted by the fact that “Indians through friends and relatives had gone to the trouble of learning parrot like the original form which had become far too familiar with regards to the educational test.”<sup>35</sup> The additional request for thumbprints was aimed at curtailing the circulation of fraudulent certificates both in India and Natal. Greater vigilance was also exercised at the ports of embarkation. Between 1897 and 1907, 21 shipping companies were issued with warning notices for taking passengers to Natal who did not have valid certificates of domicile.<sup>36</sup> Shipping companies in Bombay, Madras and Calcutta refused to certify passage tickets if immigrants did not produce a valid certificate of domicile. For example, Kuarjee Ramjee, before embarking on his return trip to Natal, in November 1908, had his Certificate of Domicile, rubberstamped “PASSED”, by both the “Protector of Emigrants” in Bombay and the shipping agent, A Strandes, on board the *SS Reichstag*. While the Immigration Act worked against other nationalities, such as the Chinese and Japanese, the largest number of refusals applied to Indians. Between 1904 and 1909, 31, 673 immigrants were restricted, of whom 18, 717 were Indians.<sup>37</sup>

The amendments and monitoring controls instituted by the Natal Government meant that migrants had to constantly defend and reclaim their residency and civic rights. Resident Indians seeking to enter or exit Natal, now had to reapply for new certificates. Old ones were replaced with new ones. For example, Amod Domah, a petty trader, who arrived in the Colony in 1895 and operated in Phoenix on the outskirts of Durban, left the colony in 1896 to visit his family in India. He returned in February 1901 and his Certificate of Domicile was retained by the IRO on arrival. In October 1905, he wrote to the IRO requesting the return of the certificate as he was intent on returning to India, to bring his wife Hawa and their four children. The IRO

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34 S Bhana and J Brain, *Setting down roots*, pp. 131-135; Report of the immigration officer, Port Natal for the year ending 1900, pp. 66-67; KICAL, IIAB, Sayed Alli, Special case –Natal Supreme Court, 31<sup>st</sup> August 1914, KCM File 5 99/53/5.

35 NA, Report of the immigration officer, Port Natal for the year ending 1900, p. 66-67; S Bhana and J Brain, *Setting down roots*, pp. 131-135.

36 NA, Report of the immigration officer, Port Natal for the year ending 1900, pp. 66-67, 1903-1904; CSO 1698:1245/1902; Immigration Restriction Department (hereafter IRD), 63: 747/1907; 63:714/1907; S Bhana and J Brain, *Setting down roots*, pp. 131-135.

37 NA, IRD, Report of the immigration officer, Port Natal, 1903-1909; Kuarjee Ramjee is my great grandfather, I have the original Certificate of Domicile dated 1907.

refused and instead asked for Domah to reapply, stating that “Any Certificate of Domicile retained by this Department in 1901 cannot be returned. If you had a Certificate of Domicile your claim thereto is presumably still good and if you will state to it in the usual form of a sworn declaration it shall have consideration”.<sup>38</sup> Domah subsequently reapplied and was issued with a new certificate in 1908. His old certificate was rendered invalid, with the following remarks written on it, “D.C. No. 3067 Issued in exchange of surrendered domicile certificate 7/4/1908”.<sup>39</sup> The importance attached to residency rights and the anxiety it stirred among Indians is perhaps best illustrated by the case of Mahomed Peerbhoy. In November 1905 he wrote to the IRO, “Please kindly register for me, this my Certificate of Domicile for Natal Colony, South Africa”. The Assistant Under-Secretary, HA Hime wrote to the IRO asking, “Do you understand this request?” The IRO, replied, “I gather that the gentlemen desires to make assurance doubly sure”.<sup>40</sup> Reapplications swelled the coffers of the Immigration Restriction Department (IRD) but dented the finances of many struggling free Indians. Between 1899 and 1902, 1,937 domicile certificates were issued at a total cost of £245-40s.<sup>41</sup>

The discriminatory and discretionary manner in which the immigration laws operated against Indian migrants sparked debates about the norms of citizenship: questions relating to statutory domicile, the validity of domicile certificates under repealed acts, marriage, the status of wives and minor children and the issuing of temporary permits. For example, Ali Sahib, a trader in Natal acquired a Certificate of Domicile in September 1901 to secure the entry of his son, Bala Mia, then a minor. However, Bala Mia only arrived in February 1905, by which time the Immigration Restriction Act of 1903 was in force. Bala Mia was declared a “prohibited immigrant” because, by 1905, he was no longer a “minor” but was now over the age of 16. Ali Sahib successfully challenged the ruling which abrogated his son’s rights under the new immigration law of 1903.<sup>42</sup> Even though Sahib succeeded, the changing legislation emphasized the difficulties the immigrants had to contend with.

In other instances, aspirant migrants sought creative ways to circumvent immigration controls and secure entry. This took various forms: entry into

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38 NA, IRD, File No. 8889, Amod Domah, Minute Paper, 1056/1905, Asks that the certificate of Domicile taken from him on his arrival from India on the 6<sup>th</sup> February 1901, be now returned to him.

39 NA, IRD, File No. 8889, Amod Domah.

40 NA, CSO 1801: 9272/1905, M Peerbhoy, Applies for the registration of his Domicile certificate.

41 NA, CSO 1522: 4799/1899; IRD, Vol. 63: 746/1906; Vol. 84: 792/1910.

42 KCAL, IAB, File 1, KCM 99/53/1, Bala Mia v Principal Immigration Officer 1905.

the Transvaal and then Natal through Delagoa Bay; fraudulent certificates of domicile and Indian minors smuggled into the Union under false pretences. For example Manchoo Lalla's "illegal entry" was discovered 24 years after his arrival! Lalla was born in Bombay and arrived in Natal on board the *SS Somali* on 18 November 1906 at the age of 14. He was permitted to land after a sworn statement by Dayaram Lalla that Manchoo was his minor son. Manchoo resided permanently in the colony, except for two short trips to India in 1917 and 1927. In 1910 he applied for a Certificate of Domicile based on his residency and on the sworn statement made by Manchoo that his entry was sanctioned "under my father's certificate of domicile". However, in October 1930 Manchoo was approached by immigration officials in Durban and a "notice of prohibition" was served "in consequence of information from official quarters in India that the appellant was not the son of Dayaram Lalla".<sup>43</sup> Similarly, a woman named Haffee tried to smuggle her son, Mahomed Essack, to Natal in 1907. He was the son of her first marriage but she claimed that he was the son of her second husband, Cassim Essop Agee, who had domicile rights in Natal.<sup>44</sup> In another incident in January 1914, Sayed Ali sought to claim the identity and domicile rights of another individual with the identical name. Giving evidence to the IRO, the real Sayed Ali's brother stated:<sup>45</sup>

In 1902 I made an affidavit to get certificate for my brother Sayed Ali. I got the certificate... it was given to me personally. I sent it to my brother in India and he came the following year. My brother is at present in Durban. I do not know the Appellant. I have never seen him before. He is not the man I got the certificate of domicile for.

The aforementioned cases reveal that the Certificate of Domicile became a contested document, defining and determining the migratory and civic rights of an individual and his family. The certificate also impacted on livelihoods. It was a pre-requisite, as was the case in the Transvaal, to obtain a trade licence, purchase property, and engage in skilled employment, as well as for the purchase of a passage ticket.<sup>46</sup>

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43 KCAL, IIAB, Munchoo and Manchoo Lalla v Principal Immigration Officer, 4<sup>th</sup> August 1931, KCM File 4, 99/53/4.

44 KCAL, IIAB, Mahomed Essack vs Immigrants Appeal Board, KCM File 3, 99/53/3.

45 KCAL, IIAB, Sayed Ali – Special Case, Natal Supreme Court, 31st August 1914, KCM File 5, 99/53/5.

46 KCAL, Union of South Africa, Report of the Asiatic Inquiry Commission, UG 4 1921, (Cape Town, Cape Times Limited, 1912), p. 25.

## **Post 1913 Immigration restrictions**

The formation of the Union in 1910 and the passage of the Immigrants Regulation Act No. 22 of 1913 soon thereafter, not only consolidated the immigration laws of the pre-Union colonies, but also introduced prohibitive measures to restrict the entry of prospective Indian immigrants. An education test barred immigrants not literate in a European language and “undesirables” were classified as individuals on “economic grounds or on account of standard or habits of life to be unsuited to the requirements of the Union”.<sup>47</sup> Moreover, immigration officials stepped up control and surveillance by introducing new travel documents and verification processes which were to impact on individual and family migration.

The Immigrants Regulation Act of 1913 specifically introduced the D.I. 10 form: “Declaration by Passenger or Other Person”. The form had to be completed and signed by every passenger seeking to enter the Union, except a wife accompanying her husband and a child under the age of 16 accompanying a parent or guardian. The form requested detailed biographical information: date and place of birth, gender, marital status, nationality, race; port of embarkation; family history: names of spouses and children; reasons for entering the Union; economic suitability of migrants: property ownership and employment/occupational details. It also required physical identification in terms of thumbprints (both left and right), but no photographs. The form also monitored the domicile history of the applicant. For example, Amod Domah filled out the D. I. 10 form on 22 September 1926, just prior to embarking from Bombay to Natal. The Immigration Officer in Bombay inserted the dates of the Certificates of Domicile issued to Domah in a column reserved for “Remarks of the Immigration Officer”. The following details were typed: “Cert. Of Dom. 3067. 7/4/1908; Cert. Of Idty. 24141. 20/3/1925, Cert. of Idty. Endorsed by the passport Officer, 22/9/1926, Bombay”. Domah arrived in Durban on 20 October 1926 and signed the form in Gujarati; this was later verified by the Immigration Officer in Natal.<sup>48</sup> Thus, immigration officials in Bombay, Calcutta and Madras were all mobilised to monitor the movements of free Indians to Natal.

In addition, a Certificate of Identity (COI) was introduced under the Immigrants Regulation Act of 1913, which was to take precedence over the

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<sup>47</sup> PS Joshi, *The Tyranny of Colour*, p. 76.

<sup>48</sup> IRD, Amod Domah, File No. 8889.

Certificate of Domicile. Domiciled individuals seeking to leave Natal for short periods had to apply for a "Certificate of Identity or Permit" and were required to fill out the D.I. 90 form in the presence of a Union immigration official, a magistrate or police officer or an official attached to the Defence Department. Once completed, the forms were submitted to the Immigration Office. The applicant had to furnish three "unmounted copies of recent photographs" measuring 2" x 3" and remit a postal order payment of 2/6d.

The D.I.90 form requested the following information: biographical: full names of applicant, names of parents, gender, age, race, birthplace, height, caste, nationality, and occupation; property ownership; mobility history of the individual: in terms of first and subsequent movements within and beyond South Africa; marital status: No. and names of wives, their residence, duration of marriage and ages (details of deceased wives also had to be included) and whether the applicant had an offspring in any part of South Africa by any other woman who was still living; family history: names of children (including those deceased), sex, gender, place of birth and residence of children; applicant's fluency in any European language and status of mental and physical health. Details of the applicant's domicile history were recorded on the left hand corner of the COI. Once the applicant had completed the forms to the satisfaction of the IRO he was issued with a COI. The terms and conditions of the COI were dictated to the applicant in "Hindustani" and the applicant was required to provide a thumbprint as well as a signature.

The certificate was, however, limited in terms of its mobility and duration. It sanctioned one visit only abroad and one had to return within three years of the date of issue of the certificate, failing which, "the protection afforded by this Certificate shall be deemed to have lapsed".<sup>49</sup> Moreover, the certificate could be invalidated if, on application, a false declaration was made regarding the applicant's identity. Applicants after 1910, as was the case in the Cape,<sup>50</sup> were assigned a permanent file number which was the reference number for any future applications regarding identity and travel documents. For example, Hawabee, wife of Amod Domah, applied for a COI in 1938 based on the file number that was assigned to her husband, number 12/8889. This file number has been used by many descendants of free Indians, not only to trace genealogical information, but also to secure a Person of Indian Origin (PIO)

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49 IRD, Amod Domah, File No. 8889.

50 U Dhupelia-Mesthrie, "The form, the permit, the photograph...", *Journal of African and Asian Studies*, 46, 6, 2011, pp. 650-662.

card.<sup>51</sup>

Both in terms of its operation and the conditions under which it was issued, the COI had an impact on family migration. Prior to 1910, free Indian migration was primarily male-centred, with wives and children arriving much later. Family migration was facilitated largely by the Indian Relief Act 22 of 1914 which allowed the entry of one wife and minor children into the Union, and later the Cape Town Agreement of 1927.<sup>52</sup> The number of women and children increased steadily as the following statistics reflect: 1914: 53; 1915:115; 1916:137; and 1915:108. By 31 December 1940, the total number of new immigrants i.e. wives and children entering Natal and the Transvaal totalled 2,212.<sup>53</sup>

The Immigrants Regulation Act of 1913 also facilitated family migration by introducing the D.I. 91 form. Husbands seeking the entry of their wives and children had to be in possession of a COI; only then was a D.I.91 form sanctioned by the IRO in the Union and then circulated to local officials in India who were responsible for verifying and attesting the personal status and relationship of the prospective migrants to the applicant.<sup>54</sup> During the First World War, the IRO in Natal requested duplicate copies of the applicant's photographs before the D.I. 91 form was posted to India. Indian immigrants viewed this request as "insulting" and as a deliberate attempt by the authorities to curtail their entry into the Union.<sup>55</sup> The D.I. 91 was a "Form of Application", requesting detailed information about prospective immigrants. It clearly stipulated that minor children had to be accompanied by their parents. On page 2 of the form, a section titled, "Certificate of Relationship - A Wife", required detailed biographical information about spouses: full name, maiden name, place and date of birth, age; and date and place of marriage. Wives were required to provide a left and right thumb impression which was taken in the presence of a City Magistrate. Details of minor child/children were to be included under the section titled, "B Child". This requested the names of each child, place of residence, name of parents, gender and ages. No

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51 The Government of India introduced the PIO (Person of Indian Origin) card in 1999. This allows the card holder free visa travel and several benefits: engaging in business ventures and purchasing property in India. Eligibility is based on: Individuals of Indian origin, or whose parents, grand-parents or great-grandparents were born in or were permanent residents of India as defined by the Government of India Act 1935.

52 PS Joshi, *The tyranny of colour*, pp. 138-145.

53 KCAL, Report of the Asiatic Inquiry Commission 1921, pp. 25 & p.49; Union of South Africa, Report of the Indian Colonization Enquiry Committee 1933-1934 (Pretoria, 1934); *Indian Views*, 17 February 1941.

54 *African Chronicle*, 22 September 1915. Local officials were responsible for verifying and attesting documents: The chief presidency magistrate of a town in India, an officer in a native state or a district magistrate.

55 *Indian Views*, 18 August 1916; *Indian Opinion*, 18 August 1915; 18 April 1919.



photographs of wives and children were required.

The COI, like the Certificate of Domicile, had an impact on family migration. Hasaram Rijhoomal is a case in point. In December 1930, his entire family, which included his wife, Dhamibai (aged 48 years), and his six children, all minors, were denied entry and declared “prohibited immigrants” for “abandonment of domicile”. Rijhoomal was a wealthy merchant, a partner in the firm of G Ramchand, in Durban. He had business interests in Bombay, Calcutta and Madras. On 8 September 1904, he made an application to the IRO in Durban for a Certificate of Domicile under Act (Natal) 30 of 1903. A certificate was issued on 9 September and Rijhoomal thereafter made several trips to India in 1904, 1907, 1912 and 1916 and remained there until December 1929. On 15 June 1929 he wrote from Hyderabad, Sind to the IRO in Natal, seeking permission to bring his wife and children to Natal and requested that the DI 91 form to be sent to the Chief Magistrate, Hyderabad. The Principal Immigration Officer of Natal (PIO) replied to the letter on 13 July 1929 as follows:<sup>56</sup>

With reference to your letter of the 15<sup>th</sup>. ult., I have to inform you that before a D.I.91 can be forwarded to India in respect of the entry into Natal of your wife and family, it will be necessary for you to return and resume your domicile in Natal.

Rijhoomal returned to Natal in January 1930 and obtained a CIO. He later returned to India with the intention of bringing his family to Natal. On 25 January 1930, the IRO forwarded the D.I. 91 form in respect of his wife and children to the Indian authorities and added:

It will be necessary for you to attend in person to identify and receive the members of your family referred to, when those persons arrive at Durban from India, as they should do on or before the 24<sup>th</sup> January 1931, when the period of the certificate in this case expires.

On 3<sup>rd</sup> June 1930, the IRO wrote to Hasaram in Hyderabad informing him that the completed D.I. 91 forms “have now been received from India and will be retained in this office pending their arrival at this Port. This document may be used by you for the purpose of obtaining passports for them to travel.” On arrival in December 1930, Rijoomal and his family were denied entry and declared prohibited immigrants, because of his prolonged absence from the Colony between 1916 and 1929. However, Rijoomal successfully challenged

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<sup>56</sup> KCAL, IIAB, Dhamibhai and Others (Hasaram Rijhoomal’s wife and family) v Principal Immigration Officer (Natal) 1<sup>st</sup> December 1931, KCM File 2, 99/53/2 (All quotes in the text were extracted from this source).

the IRO ruling and secured domiciliary rights for his entire family.<sup>57</sup>

Many immigrants were not as fortunate as Rijoomal. Many only contemplated family migration whilst visiting India. Magistrates in India refused to verify Certificates of Relationship unless they were on a D.I. 91 form sanctioned by the IRO in Natal. The personal filing of the forms meant that many would have to return to Natal, secure the certified forms from the IRO, and then return to India. This was an expensive process which favoured only a privileged few. The IRO lamented that D.I. 91 forms were often incorrectly completed and not attested, signed or verified. It would appear that some migrants enlisted the help of inferior Magistrates and procured “a certificate to their own liking which was generally of an unconvincing nature”.<sup>58</sup> During the First World War, sailing between India and Natal became irregular and delayed the timeous arrival of travel documents.<sup>59</sup> However, completed forms were not necessarily conclusive evidence that guaranteed individuals and their families’ right of entry and residence into the Union. The IRO in Natal was conferred with wide discretionary powers to institute a second enquiry and regulate immigration. Thus if the evidence submitted was not to “the satisfaction of the IRO”, he could deny the entry of returning Indians and their families. There were many cases where longstanding individuals in possession of fixed property and business interests in Natal were denied entry; many successfully challenged the IRO’s ruling. However, the large majority of migrants who in many instances lacked funds to engage in legal proceedings to defend their domicile and civic rights were denied entry.<sup>60</sup>

## **Passports**

In the period before 1913, immigrants keen on travelling across India’s national borders were issued with a variety of travel documents by government officials, which were collectively described as a passport. Travellers, merchants and Muslim pilgrims setting out for Haj were issued with documents confirming their identity and their right of protection by the British Crown. Similarly, in colonial Natal, free Indians seeking to travel abroad to Europe or Mecca on pilgrimage were requested to submit a multiplicity of forms attesting to

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57 KCAL, IIAB, File, 2, 99/53/2, *Indian Opinion*, 11 February 1916; Natal Law Reports, Vol. 37, 1916, pp. 42-55.

58 *African Chronicle*, 22 September 1915.

59 *African Chronicle*, 22 September 1915; 3 November 1915; *Indian Views*, 10 December 1915.

60 *Indian Views*, 3 July 1914; *Indian Opinion*, 3 February 1915; 27 January 1915; *Indian Opinion*, 5 May 1916.

their identity and citizenship.<sup>61</sup> In 1903, Hussain Essopjee Bhomjee, of Surat, India, a storekeeper in Durban, applied for a passport to travel to Mecca. He enclosed an application form, payment fee and references/affidavits from two colonial wholesale merchants in Durban both dated 16 March 1903, Messrs Beatley & Co. and Heymann, Gordon & Co. Beatley's affidavit described Bhomjee as a "respectable Indian" and Heymann's declared him "trustworthy and respectable". The application fee was £1 and 10 shillings.<sup>62</sup> In August 1905 Hajee Cassim, a storekeeper in Dundee in the Natal Midlands, applied for a passport to travel to Europe. He submitted a formal application, references, a payment fee and a Certificate of Identity; the latter had to be verified by a judicial or colonial official. His certificate read as follows:<sup>63</sup>

Certificate of Identity, Dundee, Natal, August 25 1905, The undersigned, West Thorrold, Mayor of Dundee, residing at Dundee, hereby certifies that HAJEE CASSIM whose signature is written in the margin is a British Subject and requires a Passport to enable him to travel in Europe".

The certificate was signed by Thorrold and Hajee Cassim signed in English. It was later sent to the Colonial Secretary's office in Natal for processing.<sup>64</sup> Thus, prior to 1913 international travel was facilitated by a multiplicity of forms. There was no single official document or certification that identified a traveller as a citizen or national with a right to protection whilst abroad.

In the period after 1913 and during the First World War, Britain introduced a new passport system. While it gained some momentum in British India, it was made compulsory by the Indian Passport Act of 1920 which required the use of passports and imposed controls on foreign travel by Indians and foreigners travelling to and within India. Indian immigrants were issued with a British Indian Passport, with proof of their national status and included all

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61 NA, CSO 1796: 6720/1905, WH Tatham, applies for a passport on behalf of E Ayoob; CSO 1819: 6459/1906 Goodricke and Laughton, Apply on behalf of E Ebrahim for a passport to enable him to travel on the continents of Europe and Africa; CSO 1796: 6721/1905, Lyon and Thorrold applies for a passport on behalf of H Cassim.

62 NA, CSO 1728: 2798/1903, Minute Paper: Messrs Allison and Hime of Pietermaritzburg apply on behalf of an Indian named HE Bhomjee for a passport to travel in foreign parts; CSO 1808: 2237/1906, Minute Paper: Romer Robinson, Solicitor, Durban 15 March 1906, applies on behalf of Rasool Khan, Dildar Khan and Vazee Khan for passports to enable them to travel in foreign ports.

63 NA, CSO 1796: 6721/1905, Lyon and Thorrold applies for a passport on behalf of H Cassim.

64 The application was sent to the Colonial Secretary's Office. It was first approved by the Private Under Secretary, then sent to the Assistant Under Secretary, then to the Colonial Secretary and later to the district magisterial offices. I came across certificates of domicile, which had the following inscription written on the reverse side: "Certificate of domicile and passport".

territories within the King's dominions which were governed by him through the Governor General in Council.<sup>65</sup>

Passports issued in 1916 consisted of a single sheet of pink paper folded between board covers and bound in blue with a gold crest. For example, Bhagu Vanmali was issued with a passport on 5 August 1916. The front cover of the passport was emblazoned with the emblem of the British Empire (i.e. the Royal Coat of Arms of the United Kingdom). The words "British Indian Passport" were printed above the emblem and "Indian Empire" was printed below. The text of the passport was printed in English and French. There was a space for the applicant's photograph and a column requesting the applicant's biographical and physical description: Age: 26 years, profession: Dhobi (washer-man), Place and date of birth: Baroda State, 1890, Height: 5 feet, 5½ inches, forehead: narrow, Eyes: brown, Nose: ordinary, Mouth: ordinary, Chin: square, colour of hair: Black, Complexion: wheat, Face: square. Under Any special peculiarities it stated "scar on right calf". His national status was described as "A subject of the state of Baroda, a Native state in India and as such entitled to His Majesty's Protection".<sup>66</sup>

Women travelling with their spouses were entered on the same passport as their spouse. Photographs of women, mainly in black and white, were affixed to the passport. Muslim and Hindu women who observed purdah (certain norms in veiling) refused to submit a photograph. Under the section "photograph of bearer" the following remarks were written, "purdahnashin lady" or "photograph omitted on religious grounds" or "waivered".<sup>67</sup> Passports issued in the 1920s and 1930s show women in their traditional attire with their heads covered, resplendent with Indian jewellery.<sup>68</sup> In addition, photographs were supplemented with a column, requesting additional biographical and physical details of the wife: age, profession, place and

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65 The passport was based on the format agreed upon by 1920 League of Nations International Conference on Passports. The use of the passport was discontinued after the independence of India and Pakistan in 1947, and its bearers were entitled to opt for Indian, Pakistani or British nationality. The title of the state used in the passport was the "Indian Empire" which covered all of modern India, Pakistan, Bangladesh and Burma.

66 Personal documents: Passport: Bhagu Vanmali 1916, Personal documents: Passport: Kalan Morar Bhikha, Thakorbhai Govind & Family, Durban, KwaZulu-Natal.

67 The other half of the passport book was for the visa and port of entry and departure stamps. The passport contained a note from the issuing state addressed to the authorities of all other states, identifying the bearer as a citizen of that state and requesting that he or she be allowed to pass and be treated according to international norms. The note inside of Indian passports stated, "*These are to request and require in the name of the Viceroy and Governor-General of India all those whom it may concern to allow the bearer to pass freely without let or hindrance, and to afford him every assistance and protection of which he or she may stand in need. By the order of the Viceroy and Governor General of India.*" The note bearing page is stamped and signed by the issuing passport officer.

68 Whilst purdah was strictly observed by Muslim women, this was not always the case with Hindu women.

date of birth; maiden name; height in feet and inches, forehead, eyes, nose, mouth, chin, colour of hair, complexion, face, and any special peculiarities.

A column also requested “particulars of children under the age of 16” accompanying their parents.<sup>69</sup> Applicants were required to sign below the “photograph of the bearer”. Many passenger or free migrants signed their names in their vernacular language (Gujarati) as many were illiterate in the English language. This was followed by an English translation which was placed below the applicant’s vernacular signature. For immigrants who could neither sign in their vernacular language nor write in English, a thumb impression was substituted for a signature which was certified by the person verifying the declaration.

Passports issued to passenger Indians in the early twentieth century limited their travel to specific places in the British Empire and a few countries outside the Empire such as Italy, Switzerland, Austria, Czechoslovakia, Germany, France, Spain, Norway, Sweden and Holland. For example, Kalan Morar Bhikha’s passport issued in 1926 was valid for only “The British Empire”. British Indian passports were issued to persons who were British subjects by birth, by naturalisation, British protected persons or the spouse or widow of such persons. The passports were issued by the passport offices run by provincial governments. Passports issued in 1918 were valid for two years while those issued in the 1920s, were valid for five years. Renewals could only be only done in India. In 1922 the renewal of passports cost one Indian rupee; the price was raised to three rupees in 1933.<sup>70</sup>

As noted, details regarding wives and children were often entered on their spouse’s passport. However, in the 1920s, when family migration began to gain momentum in the Union, many women began to apply as individual citizens, precipitating individual female migration. Women issued with passports were identified by their marital name. For example, Bai Tapi arrived in Natal in 1924. She was assigned passport No. 21963 on 7 November 1924, and under the name of “bearer”, was identified as follows: “Bai Tapi wife of Thakor Narotam Bhoola”. Her national status was described as follows: “British subject by birth. Wife of a British subject by birth.” Moreover, her entry status was also reflected under the heading, Observations where the Immigration Officer in Bombay wrote, “The holder is proceeding to join

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<sup>69</sup> Passport: Bhagu Vanmali 1916.

<sup>70</sup> Passport: Kalan Morar Bhikha, 1926.

her husband in Natal. She holds a Certificate of Relationship”. Thus a married woman’s identity and citizenship rights in the migration process were constructed by the status of her husband. Patriarchal norms characterized the manner in which travel documents were verified and processed for passenger or free Indian women.<sup>71</sup>

In 1917 the South African Union Government also instituted compulsory passport regulations. Individuals seeking to leave the country either temporary or permanently, had to procure a passport. They had to secure a letter of recommendation from a local Justice of the Peace. This letter, together with two passport size photographs, was then submitted to the Minister of Interior and later the Immigration Department. The applicant was called before the IRO to answer a few questions and to verify his details with his right and left thumb impressions. However, later all ten fingerprints were requested. Many Indians objected to the “fresh inquiry into the movement and circumstances” of their application for a passport as being “unnecessary as well as mischievous” and “unjustifiable”, as the Certificates of Domicile and Identity had already recorded their mobility history and bore full details of their personal and physical description.<sup>72</sup> Despite their verbal protests the authorities did little to redress their grievances.

## **Conclusion**

In the absence of official documents on passenger or free Indian migration this article has demonstrated how the biographical approach can be used as a methodological tool to capture the diversity, complexity and the nature of free Indian migration to Natal. The pre-1913 and post-1913 periods reveal the ways in which government and the departments responsible for immigration and citizenship made laws and decisions that affected immigrants to Natal. Free Indian migratory and citizenship status were regulated by racist immigration laws, which sought to exclude and subordinate this class of Indians. Migration did not only affect the principal immigrant, but his extended family, wives and children, who were often left behind in India. Migrants had to constantly defend and reclaim their rights and those of their families through a structural process of attesting and verifying their identity that humiliated their status

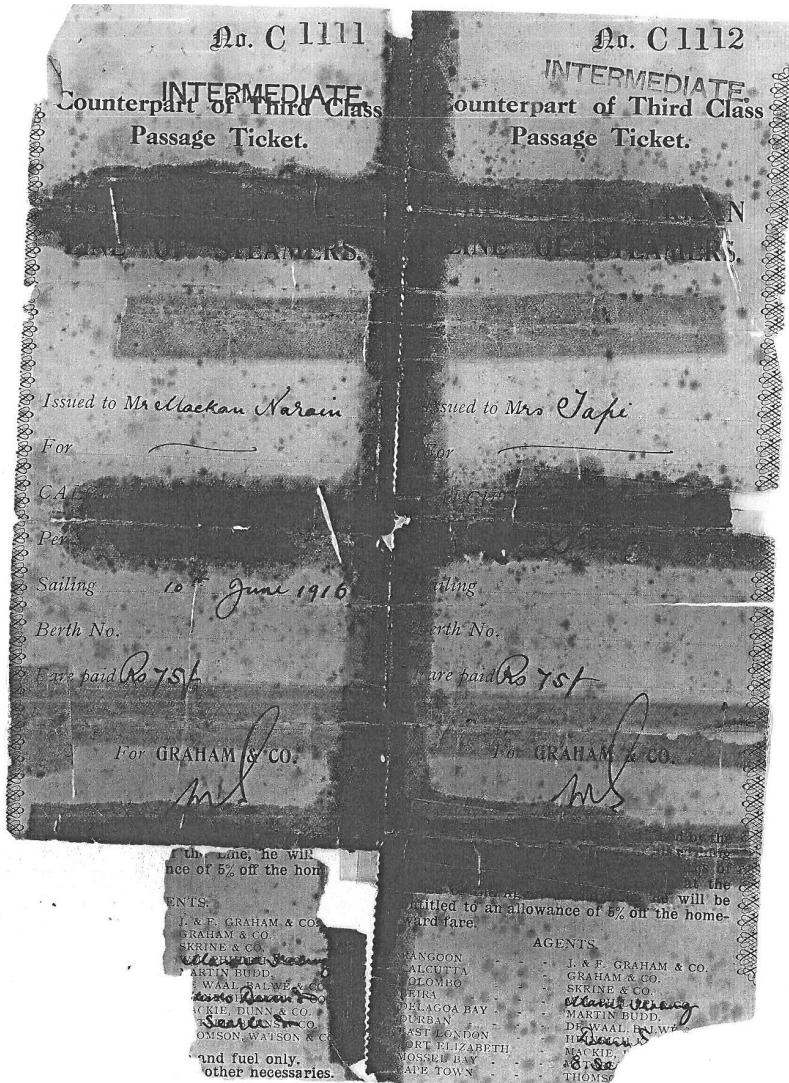
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71 D Vallabh, Indian immigration to Natal with special reference to Narotam Bhoola (1867/1927), History III Research Project May 1983, pp. 5-6, KC 30184.

72 *Indian Views*, 17 August 1917, 16 November 1917, 21 December 1917.

as “Free British Indian Subjects”. Whilst indentured Indians were victims of labour exploitation, free or passenger Indians, as “Free British Subjects”, were victims of racial prejudice. They became immigrants rather than subjects within the Empire.

Image 1: Passage ticket on board the SS Surat of Naran and Tapi Makan issued in June 1916



Source: Makan Family Personal Collection.