

206

MIC. LAB., S.A. - Pass Laws - General

16-4-80 - 31-12-80

205

Hansen 1980

25/8/80

POST

206

which says "Permitted to remain in the prescribed area of . . . . in terms of law which acted on behalf of Mr Komani and fought his case has offices

#### APPEAL

"The Government, the administration boards, the commissioner's courts and the Supreme Court have all said that a woman has no right to stay with her husband in terms of Section 10(1)(c) unless she has been written on to her husband's lodger's permit, and superintendents have usually refused to put wives on their husbands' permits so thousands of families have been divided.

"Now the Appeal Court has ruled that the regulation which forces people to have lodger's permits to live in a room in a house in a black township is 'ultra vires'. This means that this regulation is not law because it makes demands which the Urban Areas Act does not allow.

"Therefore, no-one can any longer be forced to have a lodger's permit in order to be allowed to live in a black township."



Mrs Sheena Duncan.

# Sash wary on pass judgment

25/8/80 POST 206

PEOPLE who qualify to be in towns because of the Appeal Court judgment last week might still have a legal battle ahead of them.

The director of the Black Sash Advice Office, Mrs Sheena Duncan, yesterday said people might have to ask the Supreme Court to compel officials to give them Section 10 (1) (c) stamps in their reference books.

The Sash has advised people visiting its offices to wait for a few more days and then go to ask administration board offices for the stamp.

"We are waiting for the implications of the judgment last week to filter down to the junior officials before people start applying for the stamp," Mrs Duncan said.

"But from Dr Koornhof's remarks it seems as if people are going to have to fight every inch of the way. It is very important that people should start now to establish their rights."

In a statement to POST, Mrs Duncan said. "Families who are living together in black urban townships but who are at the moment "not permitted" to do so can now hope that their position will be regularised.

## WORK

"The first thing which must be done is to check the husband's qualification. If he has lived in one town ever since he was born he should have a stamp in his pass which says "Permitted to remain in the prescribed area of . . . in terms of Section 10(1) (a) of Act 25 of 1945".

"If he has lived legally in one town for 15 year or has been registered to work for one employer in one town for 10 years he should have a stamp in his pass

Section 10(1) (b) of Act 25 of 1945".

"If this stamp is not in his pass he should go to the Labour Bureau and ask for it.

When this stamp is in his book he can take his wife and children with his marriage certificate and his children's birth certificates to the Influx Control officer of the administration board and ask for the stamp "permitted to remain in the prescribed area of . . . in terms of Section 10(1) (c) of Act 25 of 1945" to be put in his wife's pass and on the back of his children's birth certificates. If the children are over 16 years the stamp can be put in their reference books if his daughters are unmarried and only if his sons are still under 18 years of age," Mrs Duncan said.

## WOMAN

"A woman who is widowed or divorced or unmarried can claim the same 10(1) (c) right for her unmarried daughters and her sons who are not yet 18 years old if she is 10(1) (a) or (b).

"This is all very complicated and statements made by Dr Koornhof and spokesman for the administration boards seem to show that people may have difficulty in getting their passes stamped with 10(1) (c) rights.

"The Black Sash, whose offices in Johannesburg are at 42 De Villiers Street near Park Station, will try to help. There are Black Sash offices in Pretoria, Durban, Pietermaritzburg, Grahamstown, East London, Port Alfred and Cape Town.

"The Council of Churches offices at Holy Cross Anglican Church, Orlando West, Soweto, Natalspruit and Port Elizabeth will also help. The Legal Resources Centre which is the

in Johannesburg and will always help people in trouble.

"If any woman who is married to a qualified man is arrested for a pass law offence she can get legal assistance through the Becker Street advice office of the Witwatersrand Council of Churches at Fillan Buildings, corner of Becker and President Streets, Johannesburg. This office will try to obtain the assistance of a lawyer to defend any person arrested and charged with a pass law offence

## ORDERS

"If the authorities do not accept the Appeal Court ruling it may be necessary for people to go to the Supreme Court for orders compelling the administration boards to recognise the rights of wives and children of qualified people. It is very important that people should try to put their papers in order now in case the Government decides to change the law again when Parliament meets next year.

"The Appeal Court ruling applies to all qualified black people who live in any town outside the bantustans except for Alexandra township in Johannesburg which has a separate set of regulations. People who live in Alexandra should seek advice before they approach officials."

The reprieve on wives and children who are in towns "illegally" stems from an Appeal Court decision last week that Mrs Veli Komani had a legal right to stay with her husband in Guguletu, Cape Town, as a 10(1)(c) qualified person

Mrs Duncan said: "Many black women in the past 20 years have been refused permits to live with their husbands in towns and cities all over South Africa.



# Koornhof Warning on Influx of Wives

Own Correspondent  
THE Minister of Co-operation and Development, Dr Piet Koornhof, last night warned that last week's Appeal Court judgment did not mean there would be a large-scale influx of wives and children to urban areas.

The Appeal Court judgment declared ultra vires the regulation which requires anyone living in black residential areas to hold a lodger's permit for site and residential permit.

After the judgment, Mrs Sheena Duncan, director of the Black Sash advice office, said the judgment could "literally affect scores of thousands of people" and could benefit almost half the estimated 700 000 people living "illegally" in Soweto.

In a statement issued through his department, Dr Koornhof said speculation about the decision made it necessary for him to "explain the manner in which the above mentioned provision of the Act is being applied".

The statement said a wife or child of a man who qualified to be in the area in terms of Section 10 (1) (a) or (b) of the Urban Areas Consolidation Act could remain with their husband or father in terms of section 10 (1) (c) — which implies that they normally live with their husband or father and that adequate accommodation is available.

He had not yet seen a copy of the judgment, "but from what I have ascertained telephonically, it appears that the judgment turned on the question of whether the appellant's wife was, in fact, a person as contemplated in section 10 (1) (C) of the Act".

"I wish to make it clear that it would be completely wrong to make general statements on influx control when the judgment rests on the facts pertaining to a particular person, which facts obviously cannot apply to all wives and children of men contemplated in section 10 (1) (a) or (b) of the Act."

Mrs Helen Suzman, Progressive Federal Party MP, said Dr Koornhof was obviously stalling for time and that his credibility was going to stand or fall on his ultimate reaction to the Appeal Court's decision.

"I think he's going to find that there are tens of thousands of Mrs Nonceba Komani's."

More reports on Page 2

# Waiting for Koornhof

It is 14 months since Dr. Piet Koornhof, the Minister of Cooperation and Development, made some memorable comments to the National Press Club in Washington.

He reiterated his view:

"... I detest the *dompas*. I declared war on the *dompas*. That thing must be ousted, completely and totally out of my country and I have requested my officials to work on it. They have been doing it and the *dompas* will be ousted in my country sooner than later and I am working as far as this is concerned on a month span and not a year time-span."

Those were brave words and they very understandably created high expectations of swift and basic change. Particularly because they came hard on the heels of the Government's White Paper on the Riekert Report with its own promise of substantial amelioration of the influx control system, not least in regard to encouraging normal family existence for black people.

As we say, that was 14 months ago.

Yet even if Dr Koornhof, for whatever reason it might be, has been unable thus far to deliver the goods, he has had, for the past 10 days, a golden opportunity to go at least part of the way.

The Appellate Division has given him the opportunity through its judgment in the Komani case in which it declared ultra vires the requirement for lodger's permits for the wives, sons and daughters under the age of 18, of blacks who qualify to be permanently in the cities. That should effectively enable some presently "illegal" wives and children to be with their menfolk.

Dr. Koorn-

hof's initial reaction to the judgment has been cool.

A week ago he was saying he had not yet obtained a copy of the judgment (even though it had already been available in Johannesburg).

We hope that, by now, the tortoise in Dr Koornhof's life which attends to these things for him has borne a copy of the judgment from Bloemfontein to Pretoria.

Even more, we hope he is in the process of reconsidering that first statement of his in which he said it would be wrong to make general statements about influx control because the judgment related to an individual case.

For surely Dr Koornhof will not wish to miss out on this court-sent chance to relieve the burden of influx control. He does not have to go through any struggle to have new legislation enacted by Parliament. He does not have to fight to have new regulations drawn up. He does not have to persuade possible critics in the National Party caucus about the need to follow a new road.

All he has to do is to instruct his officials to observe the law: to register those wives and children who qualify to be in city areas.

Will Dr Koornhof do it? And in so doing serve the cause of better family life and improved race relations? And in so doing put some of his promises into effect?

We hope so.



# Unregistered unions get legal boost

By STEVEN FRIEDMAN  
Labour Reporter

THE Industrial Court yesterday ruled that all trade unions, whether or not they are registered, can bring matters before the court on behalf of their members.

The ruling, which came in response to legal argument in the court's first major test case, is seen as a significant breakthrough for the black trade union movement.

In another crucial ruling the court agreed to hear evidence on allegations that an employer who had refused to renew the contract of a migrant worker had been guilty of an "unfair labour practice" even though he was within his legal rights not to renew the contract.

This too is seen as an important victory for black workers because it makes it possible for a contract worker whose employer refuses to renew the contract to seek relief from the Industrial Court even though the employer was legally entitled to refuse to renew the contract.

The judgment was handed down by the court's deputy president, Mr Benjamin Parsons, assisted by two assessors, Professor P A K le Roux and Mr D S Harris.

It followed legal argument in a case brought by the unregistered Metal and Allied Workers Union and a contract worker, Mr Stephen Maponya against a Johannesburg company, Precision Tools.

The union and Mr Maponya allege that the company refused to renew Mr Maponya's migrant service contract as a reprisal for his union activities. The company denies this was its reason.

The immediate effect of the court's ruling is that counsel for Mr Maponya and the MAWU can now lead evidence before the court in an attempt

to establish their case. The court will sit next month in order to hear this evidence.

The Industrial Court was established following the recommendations of the Wiehahn Commission and one of its chief functions is to hear cases in which workers allege they have been victims of "unfair labour practices".

In a statement issued last night the union described the court's ruling as "a great victory" and "a step in the right direction".

The union said the judgment could create problems for employers who refused to renew labour contracts "without valid reasons".

The union also welcomed the court's ruling that the union had *locus standi* to represent its members before the Industrial Court and described this as "a highly significant breakthrough".

Legal sources last night described the judgment as "heartening" and added that the court had "shown a flexibility and a willingness to cast aside formalism".

On the question of the union's standing in court, the judgment found there was no obligation under industrial law for a trade union to seek Government registration. It also found that a union can exist for the purposes of industrial legislation without being registered.

In addition, in a more significant finding, it also found that trade unions have the right to represent their members in the court.

An earlier Supreme Court judgment in the "Bosman case" had held that trade unions have no standing to bring legal actions on behalf of their members. Legal sources warned at the time that this meant black workers who wished to protect their rights in court could only do so individually.

25/6/80  
Lom  
12/11/80  
17/05/80

26/8/80  
Unregistered union's  
legal breakthrough

By Sieg Hannig  
Labour Editor

Trade unionists and labour lawyers today hailed the first decisions made by South Africa's new Industrial Court on a case of an alleged unfair labour practice

The presiding officer, deputy president Mr B J Parsons, assisted by two assessors, ruled that

● An unregistered trade union concerned in the

case was entitled to bring this case to court.

● Evidence could be heard in connection with the allegation that an employer had committed an unfair labour practice by failing to renew a migrant worker's contract

Lawyers are still studying the ruling but they see it as throwing open the Industrial Court to unregistered unions acting on behalf of their members, at least in cases of unfair labour practice

They also believe that, while the employer is entitled to allow a migrant worker's contract to lapse, it may now become illegal to do this where the motive can be shown to be victimisation and where the worker had reason to expect the renewal of his contract

The court's ruling was commended as a "welcome decision" by a spokesman for the Federation of South African Trade Unions



VORM VAN BEWYSBOEK—AFDEELING

FORM OF REFERENCE BOOK —  
INDEX—INDEX

Ek, Pieter Gerhardus Jacobus Koornhof, Minister van Sameverking en Ontwikkeling, laatende die bevoegdheid my verleen by artikel 2 (1) van die Swartes (Afskaffing van Passie en Voorreëning van Dokumenten) Wet, 1952 (Wet 61 van 1952) —

I, Pieter Gerhardus Jacobus Koornhof, Minister of Co-operation and Development, in virtue of the powers vested in me by section 2 (1) of the Blacks (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act 61 of 1952) —

(a) bepaal hierby dat die bewysboek wat aan manlike en vroulike Swartes, onderskeik word, presies in die vorm in onderskeidelik Bylaes 1 en 2 uiteengesit, moet wees; en

(a) hereby determine that the reference book issued to black males and females, shall be out precisely in the form set out in Schedules 1 and 2 respectively; and

(b) trek hierby Goewermentskennisgewings R. 1611 van 1971 en R. 265 van 1972 in

(b) hereby withdraw Government Notices R. 1611 of 1971 and R. 265 of 1972.

P. G. I. KOORNHOF, Minister van Sameverking en Ontwikkeling

P. G. I. KOORNHOF, Minister of Co-operation and Development

BYLAE—SCHEDULE 1

REFERENCE BOOK—BEWYSBOEK

WARNING It is an offence for any person who is not authorised or required thereto by law to make any entry in this book  
WAARSKUWING Dit is 'n oortreding vir enige persoon wat nie by wet daartoe gemaak is of vereis is nie, om enige afdruywing in hierdie boek aan te bring

INDEX—INDEKS

	<i>Page Bladsy</i>
A. (1) Residential address Woonadres .....	—
(2) Administration Administrasie .....	—
B. Employment Indiensneming .....	—
C. General and hospital tax Algemene en hospitaalbelasting .....	—
D. Local tax, levies and rates Plaaslike belasting en heffings ..	—
E. Additional particulars under regulation 17 (1) (v), Chapter II, Black Labour Regulations, 1965 Bykomende besonderhede ingevolge regulasie 17 (1) (v), Hoofstuk II, Swart Arbeidregulasies, 1965	—
F. Driver's licences Bestuurderslisensies ..	—
G. Licences to possess arms Lisensies om wapens te besit .....	—
H. Personal particulars Persoonlike besonderhede .....	—

SECTION A—AFDELING A

Residential address  
Woonadres  
Administration  
Administrasie

SECTION B—AFDELING B

Employment  
Indiensneming

# Come home, Mrs Komani

FM 29/8/80

206

By a ruling of the Appeal Court (*Current Affairs*, August 22) Nonceba Komani may now legally live with her husband Veli in Guguletu in the Cape. However, the crisp issue for thousands of other black women and children is whether they, too, have the right to live and work in prescribed areas because they qualify to do so in terms of Section 10 (1) (c) of the Black (Urban Areas) Consolidation Act of 1945.

The judgment is now law and confers this right without the need for lodgers' permits. The challenge to Co-operation and Development Minister Piet Koornhof — who was not available for comment this week, but who is on record as saying how much he hates the pass laws — is whether he intends to pass legislation to restore the position, pre-Komani, and whether government intends to maintain stringent influx control.

## Litigation

The Act, in sub-sections 10 (1) (a) and (b), states that blacks may remain for more than 72 hours in a prescribed (generally urban) area if they were born and have "resided continuously" there since birth; or worked there continuously for one employer for 10 years, or "lawfully resided continuously" in the area for not less than 15 years.

Section 10 (1) (c) has been a cause of controversy and litigation for many years — as in Komani's case. It grants permission to stay if "such black is the wife, the unmarried daughter or son under the age of 18 years of any black mentioned in paragraph (a) or (b) of this sub-section and after lawful entry into such prescribed area, ordinarily resides with that

black in such area."

Until last week, the phrase "ordinarily resides" was taken by the courts to mean "lawfully ordinarily resides." This meant that when a wife, daughter or son under 18 lived with the man of the family without a lodger's permit — as required by Regulation 20 (1) of 1968, qualifying the Act — they did so illegally, and were subject to arrest and endorsement out to a homeland.

However, last week, Chief Justice CJ Rumpff (with the concurrence of four other Supreme Court judges) found Regulation 20 (1) to be *ultra vires*.

In his judgment he stated: "I am of the opinion that a person residing in terms of Section 10 (1) (a) of the Act must be deemed to be lawfully residing in that area, subject of course, to such conditions as may validly be imposed. If this view is correct, then the literal words of Regulation 20 (1), namely that 'no person other than any holder of a site or residential permit shall reside in the black residential area unless he has first obtained a permit, hereinafter referred to as a lodger's permit,' are inconsistent with the intention of the legislature."

Any attempt to use Regulation 20 (1) to impose prohibitions on a person with Section 10 (1) (a) rights would therefore be "unauthorised," and it followed that the Regulation as a whole was *ultra vires*. No-one may be required to hold a lodger's permit.

The immediate response in legal and civil rights circles was that the system of lodgers' permits for wives and children had fallen away. People who qualified for Section 10 (1) (c) rights were urged by the

Black Sash to apply for the appropriate endorsement. Estimates were that many thousands would be affected, that the possibility of normal family life for men legally in the urban areas had been enhanced, and that the number of those who would now qualify for approved housing in Soweto alone could double.

However, at the weekend, Minister Koornhof stated that there would be no mass influx into the cities, since the Appeal Court judgment was based on the facts of a single case in the Cape.

## Regulation invalid

But, according to Professor John Dugard, director of Wits University's Centre for Applied Legal Studies, "it is impossible to confine the effects of removing the regulation to one person, because the court has ruled the whole regulation to be invalid. Generally, when a regulation is declared *ultra vires*, it has implications going beyond one particular case."

The administration boards, awaiting a departmental directive from Koornhof, are continuing to maintain the *status quo* applicable before the Rumpff judgment. It seems possible that only orders from the Supreme Court will compel them to put the judgment from the Komani case into effect.

Since 1964, it has been government policy, through the local authorities then the administration boards, to almost always refuse to allow a wife to enter a prescribed area to live with her husband. This has been part of the influx control structure. And, when challenged, government's response was to cite the housing shortage. Yet between 1968-1978 a short-



age was deliberately created by government policy that no black family housing should be built in urban areas

Even if they have possessed Section 10 (1) (a) or (b) rights, people have hitherto been breaking the law if they have lived in any township house without a lodger's permit. In terms of the Komani judgment, that now falls away, as does the offence for which many have been fined for allowing people to live in their houses without a permit. "It was not intended that Regulation 20 (1) might be considered valid in a part and invalid in other parts," said Chief Justice Rumpff.

The declaration that Regulation 20 (1) is *ultra vires* does not sanction the large-scale movement of wives and children from the homelands to join their men who are registered in work. Those who are affected are the large numbers of wives and children who have refused to be separated from their Section 10-qualified men and have continued to live with them, although "illegally."

There are areas that might need further clarification — for example, the length of time a woman must have lived with her husband in the prescribed area to be considered "legally resident."

The Black Sash has said it will refer cases of women and children who are refused Section 10 (1) (c) rights to attorneys for possible action in the Supreme Court. If the administration boards continue to deny such rights to those claiming them, and the Supreme Court treats each case on its merits, legal argument could continue for years.

Will Minister Koornhof — wearing his verligte hat — use his powers to amend



Piet Koornhof . the ball is now in his court

the Urban Areas Act so that wives and children may automatically be entitled to live with their men as normal families?

This would be in keeping with the spirit of the Riekert Report, which recommended that "Black persons who obtain Section 10 (1) (a) or (b) qualifications and who marry or are already married should be allowed to have their families join them, provided approved housing is available,

irrespective of the area of origin of their families, and insofar as the allocation of housing is concerned, no distinction should be made between Section 10 (1) (a) or (b) persons on the ground of the area of origin of their lawful wives and legitimate dependants."

In its white paper, government accepted this recommendation. But, as has been shown, government can control the availability of approved housing.

Section 10 (1) (c) rights now exist for a large number of wives and children of qualified men, which means that the provision of housing becomes a central issue. To thousands of black men in the Western Cape, the squalid conditions of Crossroads — where they live with their families — are preferable to single quarter barracks. Appalling shortages exist in places like Kliptown, and in Soweto the position is critical.

The shortages can best be dealt with by the large-scale implementation of site-and-service schemes for these families. This means lowering the standards of "approved housing" — but if health and sewerage facilities are provided, this is surely better than the disorganised growth of squatter settlements? Informal sector trading and services would, in turn, provide work for many.

Many hopes have been raised by last week's judgment. If they are not to be dashed, with the concomitant heightening of racial tensions, the bureaucratic "tortoise" Koornhof has referred to needs clear directives from Pretoria. To dismiss the Komani case as applying to one family only is to connive at the very discrimination government has professed it abhors.

We know that the generalised displacements must describe the displacement of a generic point on the centre line of the bar and the rotation of the cross-section on that point. In the general case we introduce a displacement vector  $\underline{u}(x)$  and a rotation vector  $\underline{\theta}(x)$  (note that the use of a rotation vector is justified by the assumption that the rotations are small) where in the local coordinate system,

$$\underline{u}(x) = u(x)\underline{i} + v(x)\underline{j} + w(x)\underline{k} \quad (5.58a)$$

$$\underline{\theta}(x) = \phi(x)\underline{i} + \psi(x)\underline{j} + \theta(x)\underline{k} \quad (5.58b)$$

The components are shown diagrammatically in Fig. 5.12.

No 1815

206

29 Augustus 1980

VORM VAN HERKENNINGSBEWYS — WYSIGING VAN GOFWERMENSKENNISGEWING 775 VAN 1980

Ek, Pieter Gerhardus Jacobus Koornhof, Minister van Samewerking en Ontwikkeling, wysig hierby, kragtens die bevoegdheid my verleen by artikel 2 (1) van die Swartes (Afskaffing van Passie en Koördinerings van Dokumente) Wet, 1952 (Wet 67 van 1952), Goewermentskennisgewing 775 van 1980 ooreenkomstig Bylaes 1 en 2 hiervan

P G J KOORNHOF, Minister van Samewerking en Ontwikkeling.

No 1815

667199

29 August 1980

FORM OF IDENTITY DOCUMENT — AMENDMENT OF GOVERNMENT NOTICE 775 OF 1980

I, Pieter Gerhardus Jacobus Koornhof, Minister of Co-operation and Development, hereby, by virtue of the powers vested in me by section 2 (1) of the Blacks (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act 67 of 1952), amend Government Notice 775 of 1980 in accordance with Schedules 1 and 2 hereto

P G J KOORNHOF, Minister of Co-operation and Development

SCHEDULE/BYLAIE 1

Substitute the following section for Section H of Schedule 1  
Vervang Afdeling H van Bylae 1 deur die volgende afdeling

SECTION/AFDELING H

Male/Manlik

Personal particulars  
Persoonlike besonderhede

First names  
Voorname

Surname  
Van

Ethnic group  
Etniese groep

Date/Year of birth  
Datum/Jaar van geboorte

Republic of South Africa  
(Coat of Arms of R S A)  
(Wapen van R S A)  
Republiek van Suid-Afrika

Citizenship  
Burgerskap  
Number  
Nommer

Photograph  
Foto

SCHEDULE/BYLAIE 2

Substitute the following section for Section G of Schedule 2  
Vervang Afdeling G van Bylae 2 deur die volgende afdeling

SECTION/AFDELING G

Female/Vroulik

Personal particulars  
Persoonlike besonderhede

First names  
Voorname

Surname  
Van

Ethnic group  
Etniese groep

Date/Year of birth  
Datum/Jaar van geboorte

Republic of South Africa  
(Coat of Arms of R S A)  
(Wapen van R S A)  
Republiek van Suid-Afrika

Citizenship  
Burgerskap  
Number  
Nommer

Photograph  
Foto

2.8

3/15

Thom + inaccurate



com 30850  
906

## Silence on test case:

DR PIET Koornhof, Minister of Co-operation and Development, was not in a position yesterday to comment on the historic Appeal Court judgment which opens the way for black men with urban residence rights, to have their wives and children live with them

A spokesman for Dr Koornhof's office confirmed the receipt of a telex sent to Dr Koornhof by the Rand Daily Mail this week

However, the telex had not yet been relayed to Dr Koornhof because of severe pressure of work, the spokesman said. The historic judgment dismissed as *ultra vires* a regulation barring black wives and children without urban residence rights from living with their menfolk in urban areas

# Where apartheid still rules hard

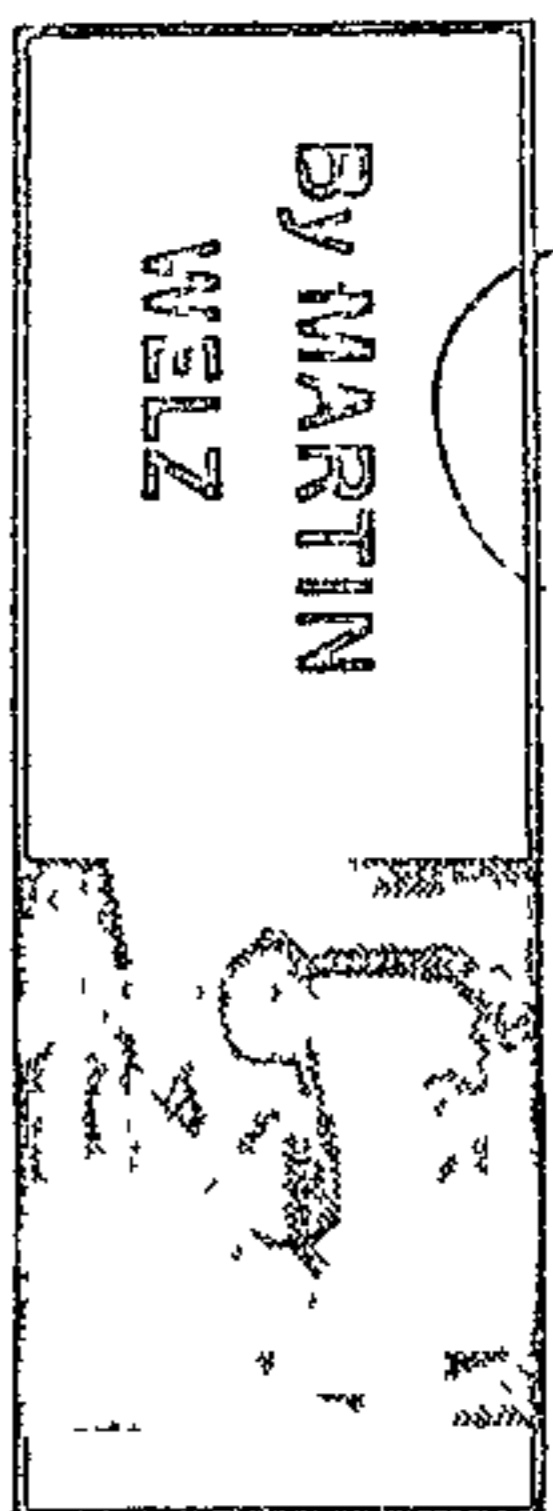
206  
S. Times  
21/8/80

ON THE surface the Pretoria Commissioner's Court looks much like any other court, a modern official building with neat panelled courtrooms.

Black cloaked magistrates sit on high benches with court officials bustling beside them.

The only indication that this court is different is that there are only black faces in the dock and in the public gallery.

Underneath it all is the harsh cutting edge of apartheid. A Sunday Times investigation conducted over the past two months at the courts — which try blacks charged under anti-apartheid laws — has brought these facts to light.



By MARTIN WELZ

called "24-hour" regulations had been suspended on an experimental basis in Pretoria these prosecutions in fact never stopped.

Several sources confirmed to the Sunday Times that officials at the court were told by the Chief Commissioner, Mr C N J Wehman, that the Minister's announcement simply meant that blacks were now allowed "no hours" in white areas without formal permission.

In January alone according to court records 22 blacks were charged with being in Pretoria for longer than 72 hours without permission. Most were held in custody for at least four days before being tried.

## Custody

In less than 24 hours half of a percent of all cases heard in the court do the accused have legal representation.

The prosecutions are continuing. One hundred or more blacks are charged each month with not having paid General Tax (the so-called head

tax"), despite the fact that this tax was abolished in 1977.

The offence invariably comes to light when police check reference books for "pass" offences and find that they do not contain receipts for the years when the R2,50 annual tax was still in force.

## Jobless

In the past it was court practice to give suspended sentences for the offence, on condition that the outstanding tax was paid, but during the past month magistrates have been ordered not to suspend sentences in these cases.

Accused, who generally plead that they have been jobless and could not afford to pay the tax, or that they have heard that the tax had been abolished, are sentenced to fines ranging from R20 (or

40 days, to R35 (or 70 days). In the past week most of those sentenced were unable to pay the fines at court.

## Defence

He was immediately relieved of his prosecuting duties and resigned shortly thereafter. This week he confirmed that the incident had taken place, but asked not to be named.

Last year more than 1 000 Pretoria blacks were sentenced to two years in work colonies for being jobless for more than 122 days.

The fact that they had done part-time or piece work in that time is not a valid defence. The fact that the prosecuting official can produce a certificate from the local labour office that there was just one job vacancy in Pretoria at the time is usually regarded as sufficient evidence to prove that the accused was "idle" and unwilling to work.

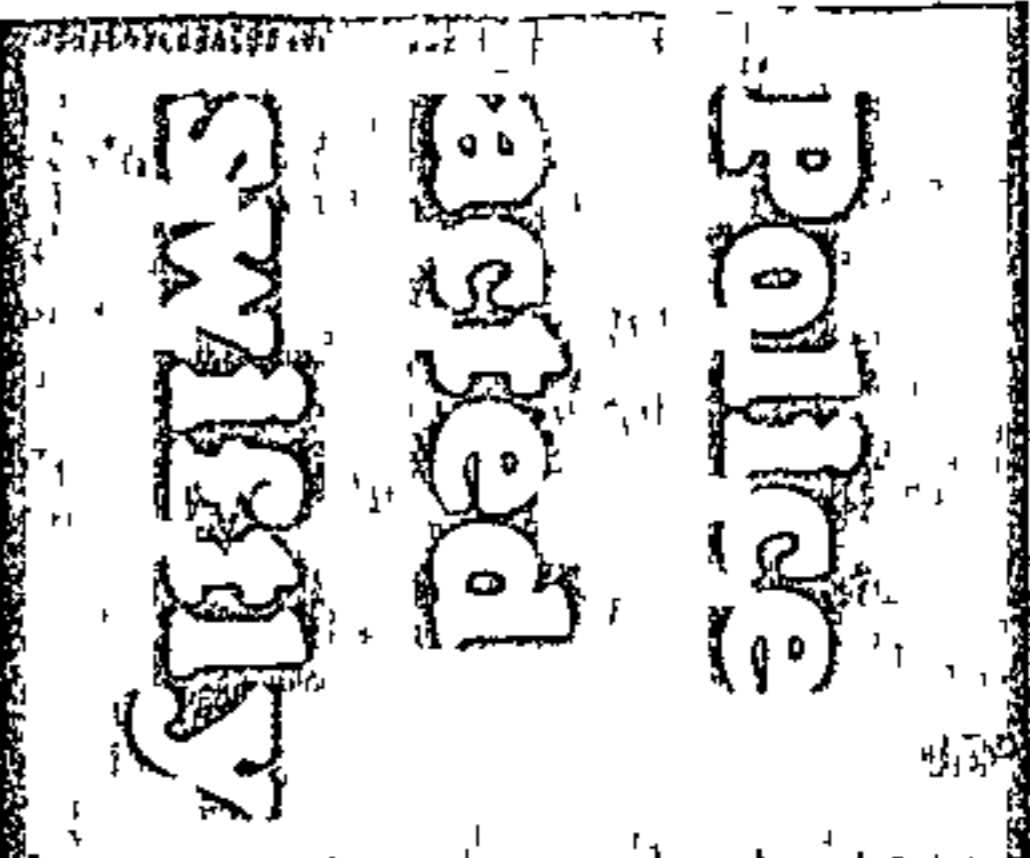
By MARTIN WELZ

ON Tuesday Mr Isaac Matlala appeared in the Pretoria Commissioner's Court charged with not being in possession of a reference book.

He had been arrested the previous day. He handed his duplicate reference book into court and was found not guilty.

After the hearing he told the Sunday Times he had been arrested in his employer's front garden where he was laying paving.

"I told the policeman that I had a reference book, but he told me to get into the van. I could tell the court about it."



At her trial she told the court interpreter that her reference book was at home with her employer in Waterkloof and that the court could speak to her employer. The interpreter refused to convey this information to the court.

□ □ □

Mr Matlala said his employer, Mrs Van Rensburg, was at home at the time of his arrest, "but I was taken away so quickly that I don't think she knows where I am," he said.

"I was arrested on Sunday afternoon at the bus stop in Menio Park, near my employer's house. I was on the way to church and had forgotten to take my pass with me."

□ □ □

"Later, when Mrs Novis came to the police station, they decided to let me go."

Mrs Raphaela says she has never before been arrested or appeared in court.



# I QUIT!

## State lawman walks out in blazing apartheid protest

Job 2000 RBV S. Times 31/6/80

A CHIEF public prosecutor dramatically walked out on his job in the middle of a case this week — after telling the court he was no longer prepared to "serve apartheid".

In an amazing protest Mr A R Klein, chief prosecutor in the criminal section of the Pretoria Commissioner's Court, interrupted the trial of five black men charged under curfew regulations on Friday.

He told the magistrate he was refusing to proceed with the prosecution because of various irregularities which he alleged had taken place in preceding cases.

"In short, I am not prepared to apply apartheid under the guise of justice," he said — and stormed out of the court.

Yesterday Mr Klein, who is completing his law studies at the University of Pretoria, told the Sunday Times he had hesitated for many months.

"But on Friday, when in quick succession I was confronted with all the distortions of the system, I had once again to decide: 'Do I remain silent, or do I throw my cards on the table?'"

"I decided that, I as an individual was not important, when it came to the 12 000 or more people who are still prosecuted under the system in Pretoria alone each year — people who experience the very real hardships of the system, despite Dr Koornhof's announcement that 'apartheid is dead'."

Effect



Mr C N J Welman . . . notes to the court

### By MARTIN WELZ

tor must be given an opportunity to test the merits of the application and address the court on the application," Mr Klein told the Sunday Times afterwards.

"It is common practice that files are handed to me with notes from the commissioner that no bail should be granted.

"When I once had the temerity to say that I would not automatically oppose a bail application without having considered the merits of the case, I was summarily removed from that court shortly before the cases were to begin.

"In the case that immediately followed the one in which Professor Strauss appeared, the accused — who was charged with an identi-

cal offence — was given bail of R150, even though I had recommended that he should be released on R50 bail, as his family would have great difficulty in raising a larger amount."

In the next case five black men were simultaneously brought to the dock and charged with failing to produce their reference books when asked to do so by a policeman.

All four pleaded guilty, but two of the accused told the court that their reference books were at their places of work, less than five kilometres from the place where they were arrested.

"The law requires that the police should have taken them to fetch the reference books under those circumstances, before they could be validly charged. On their

• To Page 2

# 'I quit,' says lawyer

From Page 1

stances, before they could be validly charged. On their evidence they were entitled to be found not guilty.

"Instead, the court summarily postponed the cases for four days, for which time the accused would be held in custody.

"It is for the prosecutor to ask for a postponement if he considers it reasonable and necessary, but I did not ask for a postponement.

"The magistrate was simply carrying out office policy, which is to postpone all 'pass' cases for at least four days so that Reference Bureau officials can be given the opportunity to check and update their records under the guise of legitimate court proceedings," Mr Klein said.

"Besides being an improper use of the court, this effectively means that every black person arrested on a pass offence faces an automatic five to seven days in prison, regardless of whether he is able to prove his innocence on the charge or, in fact, is prepared to immediately plead guilty," Mr Klein said.

The procedure was confirmed by a senior court official, who did not wish to be quoted.

"It is necessary because we have a lot of trouble these days with false reference books," he said.

The official said a set of fingerprints was taken in each case and then referred to the Reference Bureau for checking.

"This all takes time," he said.

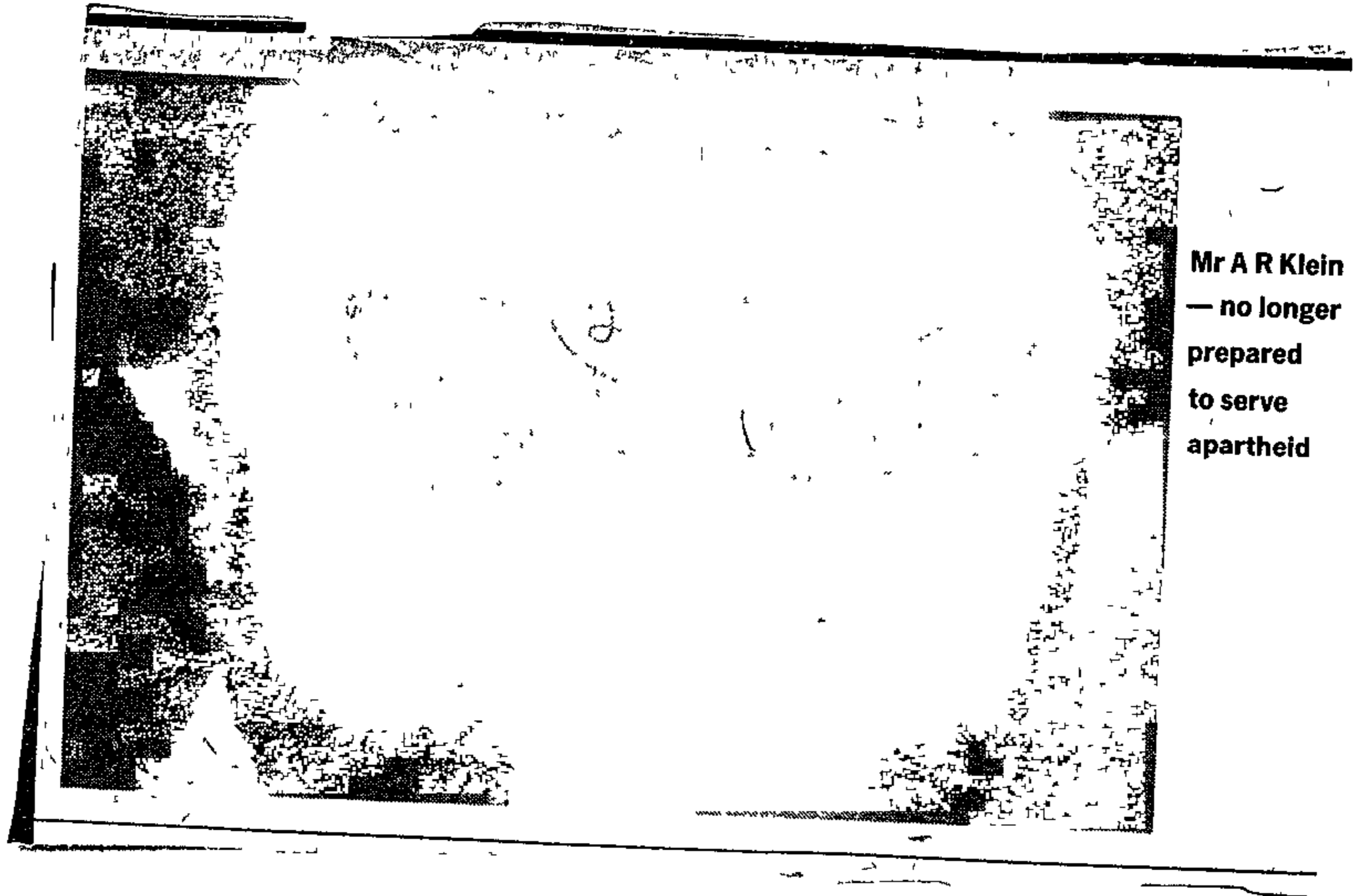
When asked for comment, the chief commissioner said that departmental rules forbade him to talk to the Press.

Mr Klein has written to the Attorney-General to inform him of the circumstances of his resignation.

He said he was compiling a full report on his experiences in the court over the past year for submission to the Attorney-General of the Transvaal.



206  
5 Times  
3/8/80



206

Stinas

31/8/80

I simply transposed his words slightly and put them into effect. I am not prepared to carry out apartheid," Mr Klein said.

After Mr Klein left the court on Friday, the magistrate, M. G. Boshoff, looking aghast, immediately adjourned proceedings while officials herded the five accused men back to the court cells.

In his announcement to the court, Mr Klein listed these reasons for his decision:

- In the first case before the court on Friday a Malawian charged with being an illegal immigrant, the case was postponed and the accused released on his own recognisances, without any evidence or argument having been heard in court.

### Granted

Mr Klein said that the court file contained a note from the Chief Commissioner, Mr C N J Welman, that no bail should be granted in the case.

A later note from Mr Welman, however, said that the accused should be released on his own recognisances, "apparently because of the influence of Professor S A Strauss, (a law professor from the University of South Africa) who had been to see him about the case.

"The magistrate in this case was acting on instructions given to him outside of court.

In terms of proper court procedure, it is the court's prerogative to grant or refuse bail, and the prosecu-

# Suzman draws attention to unkept Pass Law promises

206 SIAK 11/9/80

## Pretoria Bureau

The dramatic decision by a chief public prosecutor to quit his job in Pretoria rather than "serve apartheid" would hopefully shock the Government into a new realisation, Mrs Helen Suzman, Opposition black affairs spokesman, said yesterday.

But the President of the Transvaal Law Society, Mr Billy van der Merwe, today criticised the prosecutor who walked out of his job at the Pretoria Commissioner's Court last week.

Mr van der Merwe said that the prosecutor, Mr A R (Addie) Klein (24), should have taken up any complaints about irregularities in the court with the relevant authorities.

"No prosecutor should ever walk out of court," he said.

Mr Klein, who alleged certain irregularities in

the granting of bail, walked out of the trial of five black men charged under curfew regulations last week.

Before leaving he said he was "not prepared to apply apartheid under the guise of justice."

The Commissioner's Court is run by the Department of Co-operation and Development, although its legal staff are seconded by the Department of Justice.

Mr Klein has tendered his resignation to the Department of Justice and it is understood he plans to complete his articles with an attorney's firm and to go into private practice.

He detailed to the magistrate why he was refusing to continue the prosecution and summed up by saying "In short I am not prepared to apply apartheid under the guise of justice."

Mrs Suzman said "One

hopes this will shock the Government into realising it cannot drag its heels over reforming unpopular laws which civil servants have to implement.

"Last year the Government actually undertook to repeal the curfew laws — a move recommended by the Riekert Commission.

"Nothing has been done about these measures which creates an inordinate amount of racial friction, poisoned relations between police and the black community and results in thousands of convictions."

Mrs Suzman said nothing more had been heard about the announcement by the Minister of Co-operation and Development, Dr Koornhof, that curfew laws would be suspended experimentally in Pretoria and Bloemfontein.

# Government attitude to lodgers' permits reassures Suzman

1906 51M 19/50

**Political Correspondent**  
It was reassuring to hear that the Government would not try to negate the Appeal Court hearing on lodgers' permits for Suzman. Opposition black affairs spokesman, said last night.

A decision has apparently been reached by the Department of Co-Operation and Development to abide by a recent ruling of the Appellate Division and not counter it with new legislation.

The court ruled it was ultra vires to demand lodgers' permits for dependents of people qualified to live in an area under Section 10 of the relevant Act.

Any countering action on the part of the Government and especially the responsible Minister Dr Piet Koornhof, would have utterly destroyed Dr Koornhof's credibility in view of his decision of war on the demand," Mrs Suzman said.

"The Appellate Division must surely prove useful allies to him in waging this war."

"Of course the real bugbear will still be the lack of 'suitable' accommodation," Mrs Suzman said.

She said the law had been brought into being in 1952 by Dr Verwoerd who stated at the time that it was not its intention to separate families.

## MOVES UNLIKELY

"But a regulation introduced by the bureau-

racy has made it extremely difficult for thousands of black families to be together in urban areas," Mrs Suzman explained.

"Now, more than 20 years later, the intention of the law makers has finally been entrenched

by the Appeal Court," she said.

It is believed unlikely that the decision to abide by the Appeal Court ruling will result in an immediate massive migration to "white" South Africa, because suitable accommodation is short



# The Star

## Shock treatment for the pass laws

ST 182  
2/9/80

206

If there is one overwhelming source of racial grievance in South Africa it is the discriminatory body of restrictions styled the Pass Laws. If there is one promise that has been repeatedly made — and broken — in the last decade it is that the pass laws are being eased, or humanised, or phased out.

If anything makes the Government's credibility look increasingly shabby, it is the fact that hundreds of people are still daily arrested and jailed under the pass laws, often on the most trivial of grounds.

It seems that the system needs some sort of shock treatment even to modify it. It is in this light that one must look at last week's dramatic protest by a prosecutor in the Pretoria Commissioner's Court, Mr A R Klein, who walked out of court saying "I am not prepared to apply apartheid under the guise of justice."

Mr Klein hesitated for months, he says, before making his protest. Last Friday however he was confronted with a series of cases epitomising the rough justice which is meted out to pass offenders. For instance two

men were remanded in custody even though they should have been released, having told the court that they could have fetched their reference books from their nearby places of work. Bail for an alleged illegal immigrant was set at R150, even though the prosecutor had recommended R50 as reasonable. And so on.

It may be argued that Mr Klein chose an extreme means of dramatising his protest against this kind of assembly-line justice: that it is the duty of a prosecutor to remain in court and to pursue his complaints through official channels. Yet the system calls out for shock treatment. Not only are people deprived of their freedom on trifling and often arbitrary grounds but it seems that outside factors—in this case policy directives laid down by the local Administration Board—are being allowed to influence the ordinary behaviour of the courts. It is time that the day-to-day administration of the pass laws caught up with all those fine protestations that "apartheid is dead". After that it will be necessary to see whether laws like these have any place at all in our society.

STAR  
Prosecutor  
walk-out  
inquiry

Also  
206

Pretoria Bureau  
The Minister of Co-operation and Development, Dr Koornhof, said today he had ordered an immediate investigation into the sudden resignation of a Pretoria Commissioner's Court prosecutor

The prosecutor, Mr Adam Klein, walked out of his job last week, alleging various irregularities in the court, which is run by the Department of Co-operation and Development

A spokesman for the Department said today he could not comment on the matter until the investigation had been completed. Mr Klein alleged that outside influences were exercised on courts when it came to granting bail conditions

The Chief Commissioner, Mr C N J Welman, said regulations did not permit him to comment

It is understood Mr Klein will go into private practice as an attorney after completing his articles

He walked out of a court in dramatic fashion last week, saying "I am not prepared to apply apartheid under the guise of justice"

By PHIL MTIMKULU

Two black leaders yesterday commended Mr A R Klein, the public prosecutor who walked out of court on a matter of principle, for his courage and also invited those who held similar feelings to join him.

The two leaders are Mr Leonard Mosala of the Committee of Ten and Bishop Desmond Tutu, the General Se-

# More should join rebel lawmen who quit - Tutu

cretary of the South African Council of Churches (SACC).

And a third black leader, the Reverend Cecil W Begbie, convener of the Justice and Reconciliation Division of the Witwatersrand Council of Churches, said Mr Klein's action served as a reminder that very often law courts were instruments of apartheid.

Mr Klein refused to proceed with the prosecution of five black men charged under curfew regulations. This happened in a Pretoria court on Friday.

He told the magistrate that he was not prepared to apply apartheid 'under the guise of justice.'

Rev Begbie said yesterday: 'I would like to express our support for Mr Klein in his stand against

the practices of injustices as he experienced them in the law courts. This action of Mr Klein's serves as a reminder and proves further that very often our law courts are instruments of apartheid.

'We give praise to God that yet another person has seen the light,' he said.

Bishop Tutu said Mr Klein should be commended for his 'tremendous

courage.' He said Mr Klein was going to be faced with problems because of his stand.

'I would say he poses a challenge to the practitioners of law. The challenge is: 'How long are you going to continue co-operating with unjust laws?' Laws which are contrary to accepted legal norms," he said.

Mr Mosala said there was an awareness which

was spreading among the Afrikaans students and academics and the Klein incident — much as it might be insignificant to the Afrikaners — highlighted this.

Professor John Dugard of the University of the Witwatersrand said it was a significant step because it was the first public prosecutor who had resigned as a matter of principle.

'It is clear that the Commissioner's Courts are used for enforcing apartheid. It is also significant that a public prosecutor should have refused to participate in the process of using the law to enforce the worst features of apartheid,' he said.



# POST

TRANSVAAL

Telephone 27-6081

*2de*

THE resignation of a Pretoria prosecutor over curfew regulations brings into sharp focus the moral dilemma undergone by some men when they have to administer laws which do not square up with their sense of justice and fair play.

Mr A R Klein, a senior public prosecutor, stunned a Pretoria court when he refused to proceed with the prosecution of five black men charged under curfew regulations.

He detailed to the magistrate why he was refusing to continue the prosecution and summed up by saying: "In short I am not prepared to apply apartheid under the guise of justice."

His dramatic resignation is a clear endorsement of the inhumanity of the pass laws and one is surprised that so few of his colleagues have dared to challenge the kind of laws that mete out blatant suffering and unhappiness to thousands of blacks every day of the week.

His stand will go down in South Africa history as that of a man who was prepared to stand up and be counted as honest, sincere, brave and humane. How many other officers of the court, how many other police officers, who have to be unwilling instruments of laws that take away their manhood, have not suffered in silence, we wonder.

It is not easy for a man to stand up against the might of a system as powerful as South Africa's, to stand up and take a stand that will make enemies amongst his own people.

Mr Klein's stand makes him tower above men in the cockpit of power like Mr Pik Botha, who will go into grandiose rhetoric but be too timid to see the action through.

It is now more than a year since Pik Botha bravely told an international audience that he would see to the final demise of the pass laws. The compass, he shouted, will cease to be.

We have not seen much easing of this draconian law since his memorable utterings. Instead men and women continue to be arrested and treated like criminals for such petty laws which should never have been on the books of a so-called civilised country.

*Post 2/1/50*

Star 3/9/80 (206)

# Pass prosecutor: 'It's bad law'

After prosecuting blacks in Pretoria for "dompas" and influx control offences for a year, former Commissioner's Court prosecutor Mr Addie Klein last night described the system as "cruel" and absurd.

Mr Klein said that even if there were no irregularities in the system he would have left because the laws he had to impose were bad.

"I have learnt through that court that if you have bad laws you have bad justice. When you try to apply justice you cannot apply apartheid," he said.

Mr Klein walked out of the court last week saying he was no longer prepared to apply apartheid under the guise of justice.

He said that he decided to work in the Commissioner's Court a year ago in order to gain experience in the field, but

he had become disillusioned with the system during the year. He estimated there were about 300 discriminatory laws against blacks in

South Africa. "If you saw the suffering and the brutality, you would understand what I mean," he said. The director general of the

Department of Co-operation and Development Mr J H T Mills, said Mr Klein was in fact an administrative assistant and not a chief prosecutor.

But Mr Klein replied that in fact he had been doing prosecutor's work at the court.

In his statement, Mr Mills said that if any of the allegations regarding irregularities were correct the department expressed its regret to those involved.

"The department will investigate allegations made about specific people thoroughly and sympathetically."

"If it appears correct, we will have to look anew at a system to prevent such occurrences in the interests of healthy relations in our country," Mr Mills said.

Allegations of irregularities involve the arrest of blacks not carrying passes before giving them the chance to "touch their books within 5 km of the place of arrest."

## Youth on mercy trip was arrested under pass laws

### Pretoria Bureau

A youth who travelled from Nylstroom to Verwoerdburg to tell his brother that their mother had died, found himself arrested under the pass laws, an angry ex-prosecutor said last night.

Mr Addie Klein, who last week walked out of his job at the Commissioner's Court in Pretoria, recounted the story of the youth as an example of the cruelty of the system.

He said the youth, aged about 16 or 17, travelled from Nylstroom to contact his brother about their mother's death. The brother could not be otherwise contacted.

The youth arrived at Pretoria station and walked to Verwoerdburg

where he told his brother the news. He then walked back to the station, but was arrested for not carrying a pass.

The youth was carrying a "school pass" signed by his school principal, stating he was still at school and was travelling.

But the youth said the police told him this document was not necessary in court. Mr Klein said.

The youth was convicted under the pass laws, cautioned and discharged.

Mr Klein also alleged that the aid centres which were intended to help victims of the apartheid laws, were simply used to send offenders back to homelands.



Blacks want some influx rule, says Koornhof

Political Reporter

Chairmen of community councils in the Pretoria-Witwatersrand - Vereeniging complex have pledged unanimously to help the Government with influx control, the Minister of Co-operation and Development, Dr Piet Koornhof, has revealed

He told the Transvaal National Party congress yesterday that the Government wanted to implement an effective, but humane form of influx control.

The Riekert Report had recommended that the right of a black person to remain in an urban area should depend on that person obtaining work and suitable accommodation.

**PROHIBITION**

The Government had, however, so far not accepted the recommendation to abolish the provision which prevented blacks from rural areas from remaining in urban areas for more than 72 hours unless they fulfilled certain conditions.

Dr. Koornhof said experiments to eliminate the 72-hour provision were continuing and a decision would be taken once all the necessary information had been obtained

The Government would not allow uncontrolled migration to urban areas as this would cause chaos and slums, he said

# Congress was divided, rightists claim

Political Staff

What was intended to be a Transvaal Nationalist congress of unity has been turned into a congress of division

This is being claimed by angry conservatives after the Prime Minister's breaking of the Craven Week truce yesterday when he replied to congress delegates' criticism of mixed sport.

They say Mr P W Botha's implication about the "kind of mentality of people who refused to play with coloured people who fought with whites on the borders" made the attack worse than the one which led to his row with Dr Andries Treurnicht earlier this year

After the Cabinet reshuffle in which he has once again been relegated to an inferior post Dr Treurnicht has tried his best to create the impression of unity at the Transvaal Nationalist congress but the Prime Minister



P W BOTHA

has rejected his overtures, they claim.

Verligte Nationalists, on the other hand, are elated at the Prime Minister's forthright replies to verkrampte criticisms and the political courage he has shown by tackling the conservative Transvaal leader on his home ground on the Craven Week issue

"This has finally destroyed the myth that Mr Botha was the loser in his earlier confrontation with Dr Treurnicht on the issue," said one verligte MP

Other verligtes are particularly pleased at the way Mr Botha challenged delegates who differed with his policy statements to stand up and say so. The fact that no one did so enables them to speak out more freely on these issues, they say

While once again left reeling by the Prime Minister's challenging stand, the conservatives take courage only from Dr Treurnicht's unanimous re-election as Transvaal leader of the party, which took place with standing acclamation by the delegates.

Some believe the continued power struggle is heading the party for an inevitable break

Others claim the battle is being fought in preparation for another premiership election. This they expect to happen if a constitution is opted for which provides for an executive State presidency and which will then be taken over by Mr Botha.



# Another card for the <sup>(206)</sup> black worker to carry <sub>SAR 3/9/80</sub>

By Sieg Hannig  
Labour Editor

Black workers face a new burden of having to carry a "notification of employment" card — in addition to a reference book — in terms of the new black labour regulations

"On request by a member of the SA Police or any other authorised person, the employee should produce this card together with his reference book," says a Press release from the West Rand Administration Board announcing that the regulations are now being implemented.

Mrs Sheena Duncan,

director of the Johannesburg advice office of the Black Sash, holds out hope that the carrying of this card may be challenged successfully in court.

Mrs Duncan was "very disappointed" by the regulations

Following the Riekert Report she had expected qualified urban blacks to be relieved of some of the burdens of the pass laws

## BLACK JOBS

The only relief the new regulations provided was that the unemployed did

not have to register at regular intervals as work seekers.

Employers also benefited only very slightly. It was no longer compulsory for them to notify labour bureaux of black staff vacancies and they were able to employ qualified blacks immediately, sorting out the registration of employment afterwards.

But employers would have to become much more skilled in reading reference books because they needed to ascertain whether the workers they took on were legally qualified to take the jobs.

School pupils and students now may accept spare time and holiday work without the prior consent of the labour bureaux, provided they have the necessary consent to be in a prescribed area and provided their parents or principals have no objection.

# Koornhof accepts appeal ruling

3/9/80  
Korn  
20

By HARRY MASHABELA

THE Department of Co-operation and Development has accepted the recent ruling by the Appeal Court in Bloemfontein which declared invalid a regulation requiring anyone living in a black residential area to hold a lodger's permit.

And it is already sending out circulars informing regional offices that people should no longer be required to take out lodger's permits.

However, the Minister of Co-operation and Development, Dr Piet Koornhof warned 10 days ago "it would be completely wrong to infer that a large-scale influx of wives and children of men contemplated in Section 10 (1) (a) or (b) (of the Urban Areas Act) will now be possible, as each case will have to be judged on the facts concerned."

A spokesman for the department said yesterday "A circular to the effect that Regulation 20 (1) has been declared *ultra vires* by the Appeal Court has been sent out to regional offices of the department."

Dr Nthato Motlana, chairman of the Committee of 10, said anything done to lighten the "onerous burden of apartheid" was always welcomed.

"But it must be realised that our fight is not for concessions, but for structural and fundamental change in this country," he said.

The director of the Black Sash advice office, Mrs Sheena Duncan, said the organisation was pleased the Minister had drawn attention to the ruling.

"It's a great relief to know that thousands who were affected by the regulation will now have their legal status recognised. We hope administration boards will act swiftly to make sure these people are not subjected to bureaucratic frustrations," she said.

The Appeal Court ruled invalid Regulation 20 (1) which stipulated that no person other than any holder of a site or residential permit could reside in a black area unless he had obtained a lodger's permit.

The judgment was related to the case of Mrs Nonceba Meriba Komani, of Gugulethu, near Cape Town.

Her husband, Mr Veli Willie Komani, appealed after Mr Justice Schock, in November 1978 dismissed his case contesting the ruling of the Peninsula Administration Board that his wife did not have the legal right to live in the black residential area where he resided.

The fact that the department has accepted the ruling means people whose husbands or fathers qualified to be in the urban areas can join them if accommodation is available.

# Guguletu case: Govt accepts Appeal ruling

C. 1 - Mrs 3/2/80

206

277

JOHANNESBURG — The Department of Co-operation and Development has accepted the recent ruling by the Appeal Court in Bloemfontein which declared invalid a regulation requiring anyone living in a black residential area to hold a lodger's permit.

And it is already sending out circulars informing regional offices of the department that people should no longer be required to take out lodgers' permits.

However, the Minister of Co-operation and Development, Dr Piet Koornhof, warned yesterday 'It would be completely wrong to infer that a large-scale influx of wives and children of men contemplated in section 10 (1) (a) or (b) (of the Urban Areas Act) will now be possible, as each case will have to be judged on the facts concerned.

He indicated that the facts of the case on which the court's judgment was made, could not be extended to all women and children affected by the act.

The Appeal Court ruled invalid regulation 20 (1) which stipulated that no person other than any holder of a site or residential permit could reside in a black area unless he had first obtained a lodger's permit.

It was said by the Appeal Court that the regulation was inconsistent with the intention of the legislature relating to people born in an area and who have resided there continuously.

The judgment was related to the case of Mrs Nonceba Meriba Komani, of Guguletu. Her husband Mr Veli Willie Komani, appealed after Mr Justice Schock, in November, 1978, had dismissed his case contesting the ruling of the Peninsula Administration Board that his wife did not have the legal right to live in the black residential area where he resided.

M.R. = 177  
M = P.R.



## SA will keep its twin capitals

Political Staff

PRETORIA — South Africa will continue to have twin capitals in Cape Town and Pretoria

This was made clear yesterday by the Prime Minister, Mr P W Botha, at the Transvaal National Party congress where a resolution asked that the system be dropped in the light of the new dispensation being planned for the country

Mr Botha, in a light-hearted mood after a major victory over the conservatives shortly before, said that the average citizen did not suffer from the country having two capitals. The people who did suffer were the ministers who had to move up and down all the time. They also had families, and it was not always easy to meet their family commitments.

It was good that the people who governed the country also saw other parts of it. And it was good for members to be able to relax in the sea while being largely couped up for six months. It eased the tension.

In a more serious vein, he said it would cost a great deal to build a new house of parliament, but it would be even more expensive to create a new capital. The communications problems of the past had been ironed out, and in a light reference to the previous tense debate, he said he had had enough problems without creating another one.

# 72-hour curfew may be dropped

*c (curr) 3/9/80 206*

Own Correspondent

PRETORIA — The government was still intent on dropping the 72-hour curfew provided that the twin conditions of employment and housing could effectively control the influx of blacks to white areas, the Transvaal National Party congress was told yesterday.

The Minister of Co-operation and Development, Dr Piet Koornhof, emphasized, however, that the control that would be effected "must be far better than it is at present".

The government's view was that South Africa must move away from a law which could be hurtful. "The black leaders support the necessity of influx control on the twin conditions that blacks in white areas have employment and approved housing," he said.

The movement of blacks to urban areas had only recently gathered momentum, but it had become vital to limit this movement within the principles of a plural society. Disparity in wages was one of the prime reasons for the influx of blacks to urban areas.

But when blacks took this decision the market mechanism found itself unable to cope. This left the government with the responsibility to prevent poverty and the establishment of squatter communities.

(Report by R Nuttall, Newspaper House, Baarken Street, Port Elizabeth)

Post  
206  
4/9/40

# Court walkout: denial

THE controversy over the Pretoria court official who walked out of court took a dramatic turn yesterday when an official of the Department of Co-operation and Development said the civil servant was not a chief public prosecutor.

In a statement released to the Press, Mr J H T Mills, Director General of the Department, said Mr A R Klein was "only serving as an administrative assistant and not as chief prosecutor."

Mr Klein, a Pretoria law student, hit the headlines over the weekend in a Johannesburg Sunday paper, when he claimed to have walked out on a case he was prosecuting because he was no longer prepared to "serve apartheid."

He reportedly told the magistrate that he refused to continue with the prosecution at a trial of five black men charged under curfew regulations, because of "various irregularities" which he alleged had taken place in previous cases.

Mr Mills said Mr Klein was not a qualified prosecutor but that he was still undergoing training in the field.

"It must further be pointed out that it was the duty of the courts to execute all laws passed by Parliament," said Mr Mills who claimed that allegations that certain courts "served apartheid" were "unfounded."

Mr Mills also said his department was concerned about the Sunday Times headlines on its second page which read: "Where apartheid still rules hard". He claimed the headline was "misleading."

When Mr Klein left the court on Friday, the magistrate Mr G Boshoff, had to adjourn proceedings.

# Black workers' new burden

4/14/60

POST

206

7/22/60

**POST Reporter**  
BLACK workers face a new burden of having to carry a "notification of employment" card in addition to their reference book, in terms of the new black labour regulations.

"On request by a member of the SA police or any other authorised person the employee should produce this card together with his reference book," says a Press release from the West Rand Administration Board announcing that the regulations are now being implemented.

But Mrs Sheena Duncan director of the Johannesburg advice office

of the Black Sash, holds out hope that the carrying of this card may be challenged successfully in court.

Mrs Duncan was "very disappointed" in the regulations

From the Riekert Report she had expected that qualified urban blacks would be relieved of some of the burdens of the pass laws.

## RELIEF

But the only relief the new regulations provided was that the unemployed did not have to register at regular intervals as work-seekers

Employers also benefited only very slightly. It was no longer compulsory for them to notify labour bureau for existing black

staff vacancies. And they were able to employ qualified blacks immediately, sorting out the registration of employment afterwards.

But employers would have to become much more skilled in reading reference books because the need to ascertain whether the workers they took on were qualified to take the jobs.

One of the advantages applies to school pupils and students who now may accept spare time and holiday work without the prior consent of the labour bureau, provided they have the necessary consent to be in a prescribed area and provided their parents or principals have no objection.



# POST

Telephone 27 6081

## The card will be an <sup>Job</sup> added burden

THE latest regulation that we will be expected to carry "notification or employment cards" in addition to our passes is not only scandalous, but in the climate of prevailing events extremely dangerous.

A Press release from the West Rand Administration Board announcing the immediate implementation of the regulation says: "On request by a member of the South Africa police or any other authorised person, the employee should produce this card together with his reference book."

The notification is scandalous simply because it is making us lose a sense of balance and destroys all the goodwill we may have gathered from what the Prime Minister told a National Party Congress this week.

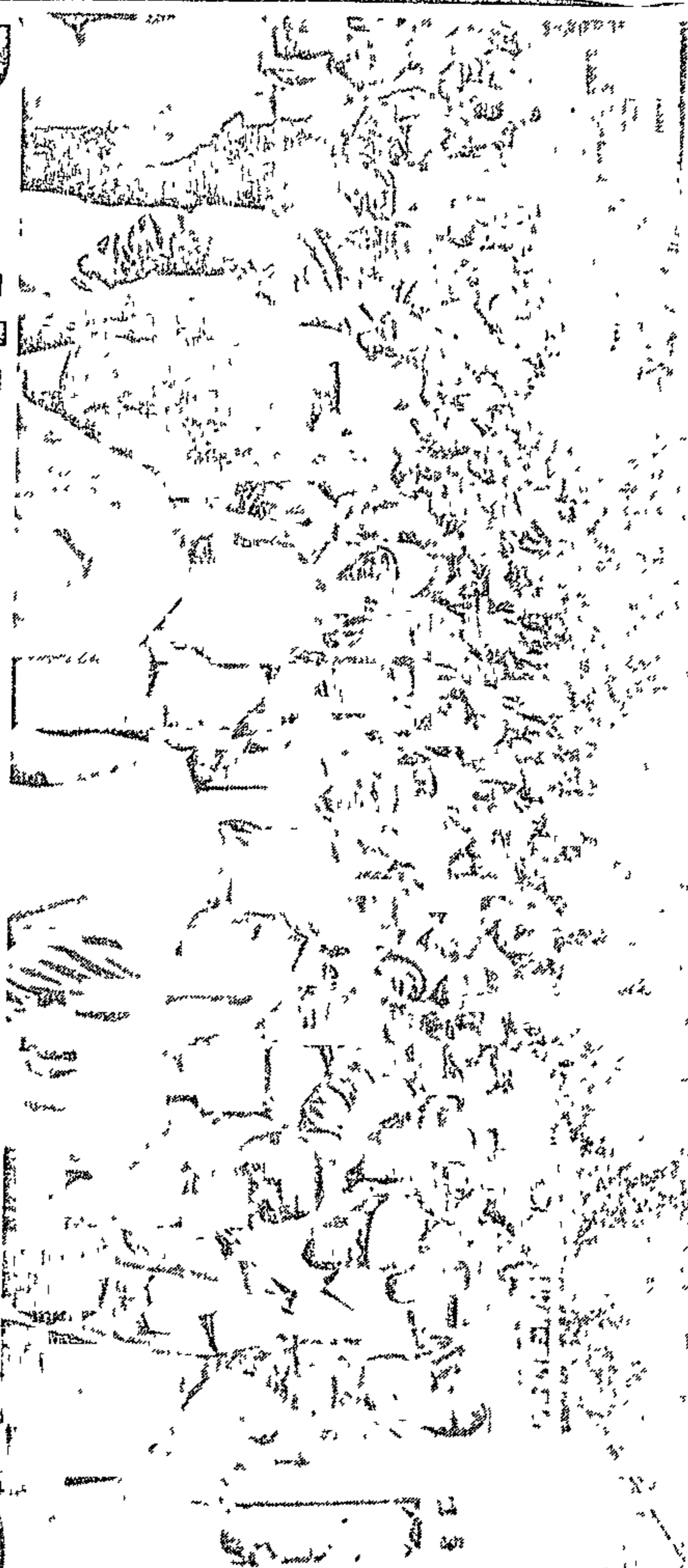
Mr P W Botha put some hope into blacks who have indeed lost all confidence in the white oligarchy, when he told stalwart Nats that they could not have their piece of cake and eat it.

We felt bolstered by the fact that he appeared to be taking a tough stand with irrational radicals in his party who are only worried about their narrow self interests at the expense of this country's continued peace.

Instead of hearing more of such good sense we are now faced with an added burden of carrying an extra "pass" for that is expressly what this work permit or card amounts to.

It is bad enough to have to carry the hated reference book, which gives every policeman, even the lowest rookie in the force, the power to get you landed in jail, let alone suffer the acute indignity of being stopped in the street to produce the book.

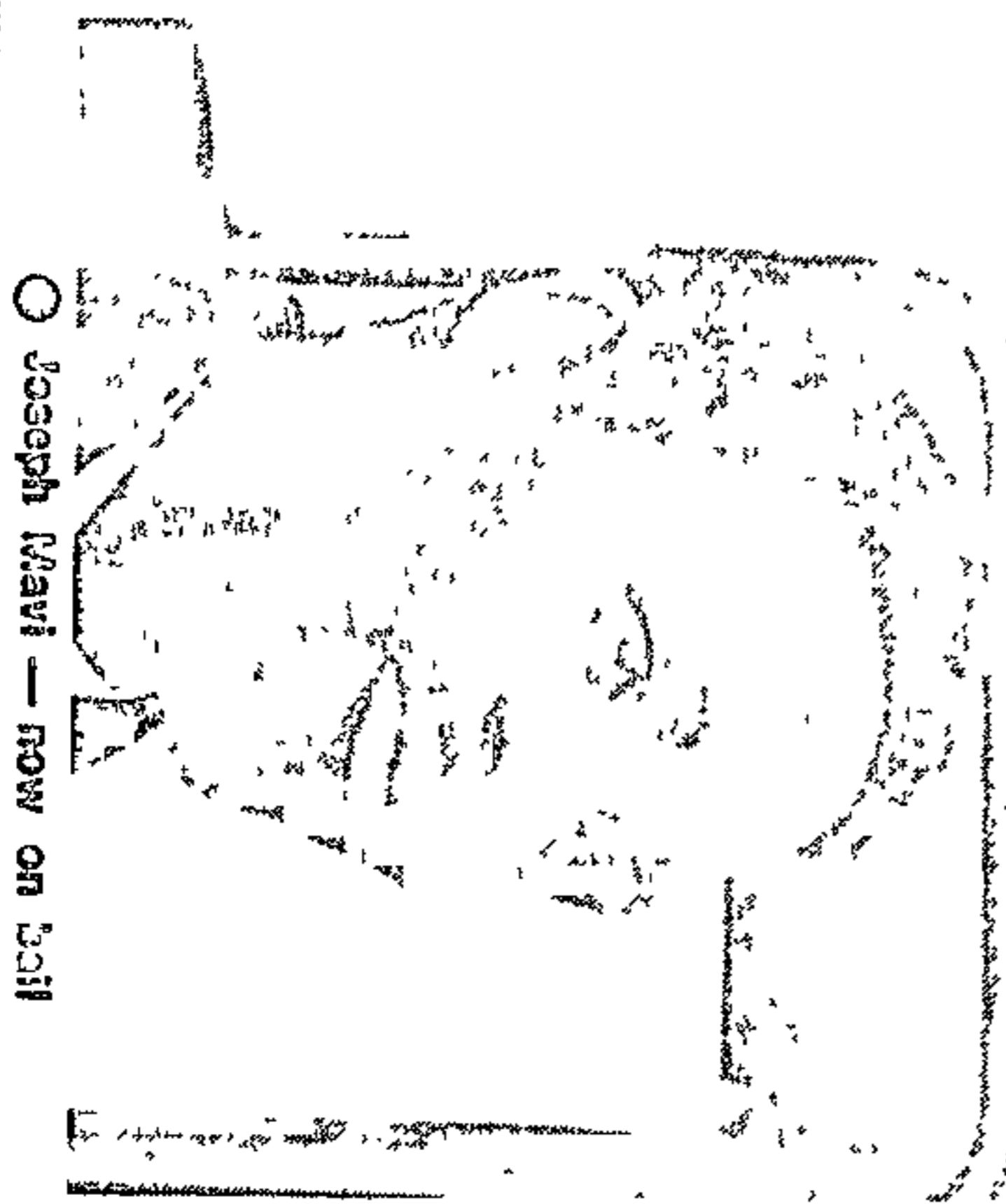
We appeal to Mr Botha to stop this senselessness from that coterie of rabid reactionaries in his administration who are doing their utmost to upset thousands of people.



Flash-back to the strike by Johannesburg municipality workers

# Destitute strikers get R5 000 church donation

POST 2014 5/19/80



Joseph Mavi — now on bail

**By JOE THOLOE**  
JOHANNESBURG diocese of the Catholic Church has donated R5 000 to workers left destitute after the city municipality workers' strike.

Officials of the Black Municipality Workers Union disclosed yesterday that hundreds of workers who were sent to their rural homes are now streaming back to Johannesburg in search of jobs.  
The cheque for R5 000 donation is signed by Archbishop Joseph Pitso

gerald.  
He was not available for comment last night.

Since the return to work, the union has taken down the names of 300 people who have come back to Johannesburg for work.

They are mainly from Umzimkhulu and Matatiele in Transkei and were among workers taken home by bus to break the July strike.

POST spoke to one job-seeker yesterday.  
Mr X, a father of three said: "We were taken to Matatiele in eight or nine buses. We left

Johannesburg on a Friday and arrived back home on Saturday."

"For a while we lived on my savings. These ran out and I had to come back to look for work."

Mr X, is staying with friends in Johannesburg.

Meanwhile union officials, three of whom are facing charges under the Sabotage Act, said the union is growing rapidly.

The three officials on bail pending their trial are president, Joseph Mavi, secretary, Phil Dlamini and executive member Gatsby Mazwi.



# Apartheid

By NORMAN NGALE

THE Pretoria prosecutor who recently walked out of court is living in fear of his life and has taken refuge at a block of flats in a remote part of the city.

Mr Adam Rudolf Klein (24), told POST that since the revelations of his refusal to serve apartheid he was taking precautions to protect himself.

He said he had been warned to be careful of the right-wing group, the Wit Kommando.

After letting me into the apartment, the controversial ex-prosecutor locked the door as a "precaution". Mr Klein had a gun strapped to his hip.

Mr Klein stormed out on a case at the Pretoria Commissioner's Court on Friday last week after a shock address to the court in which he said: "I am not prepared to serve apartheid."

He alleged the court was used to perpetrate the "inhuman and cruel laws of apartheid under the guise of justice."

## CLAIMS

Responding to claims by Mr J H T Mills, Director-General of the Department of Co-operation and Development, that he was just an administrative assistant, Mr Klein said it was true.

But he added that he was also a public prosecutor appointed by and acting on behalf of the Attorney-General of the Transvaal, Mr J E Nothling, since February 11.

Mr Klein produced his letter of appointment which bore Mr Nothling's signature. The letter stated that he was appointed under section 4 of Act 51 of 1977.

He said he was expecting the Government to try to "frame" him under a security law and to give the public the idea that he had no right to expose what had hap-

POST 5/9/80  
rebel

lives

in fear

Klein said his sense of justice did not allow him to serve under apartheid laws designed specifically for blacks.

"I am glad that he (Mr Mills) admitted in his report that there were irregularities when he said if there were such irregularities he felt pity for those who became victims," Mr said.

The system was so neatly worked out that

it was difficult for members of the public or the Press to determine what was going on

He did not cite specific cases, but said the cases were so numerous that they could fill volumes

"As soon as you experience these laws your eyes open and you see the inhumanity, the cruelty and the actual discrimination against blacks."

"I do not want to sound like Dr Rhodie who threatened that he had some tapes which could damage the image of the Government, but I have documents — court records — which will prove such irregularities I mentioned earlier," Mr Klein said.

Looking tense, Mr



206

The Natal Mercury, Saturday, September 6, 1980

# Hostel residents claim I am arrests were illegal

Mercury Reporter

RESIDENTS of the Kwa Dabeka Hostel near Clermont are considering legal action against the Minister of Police and hostel authorities after about 27 residents were arrested by police last week.

The attorney representing one of the men said yesterday he was looking into possible action against the minister for the alleged illegal arrest of the residents and against hostel authorities for helping the police by allowing them free access to the hostel.

Two residents interviewed said plainclothed policemen had stormed into the hostel about 1 am last Thursday.

The men — who did not want their names pub-

lished for fear of victimisation — claimed they were told to go to vehicles parked in the grounds of the hostel.

### Shouting

'At first we did not know who the men were. They were shouting at us and did not give us time to get dressed or ask why we were being woken.

'It was only when we were outside and could see the police vans that we knew who they were,' one of the residents said.

A senior police spokesman confirmed that 27 men had been arrested in connection with a charge of 'suspected public violence'.

He said it was 'a matter of convenience' that they were arrested in the early hours of the morning.

The arrests were in connection with investigations into stone-throwing incidents at the hostel last month.

None of the men was charged. They were released after being held at the Pinetown police station for about 35 hours and told to make their own way back to the hostel.

'We were not questioned by the police,' one of the men said.

'Some of us had to borrow clothes because we were not allowed to dress before we left the hostel. Some people were wearing only their pyjamas.'

### Eviction

According to the men interviewed, a number of the hostel residents were not allowed back into their

rooms when they returned and others were given eviction notices.

'We were given no reasons for the arrest or for being kicked out of our rooms, even though we had paid a month's rent in advance. Some of us also had our pass books confiscated.'

'I am afraid to go out because I have not been allowed to collect my pass book from my room.'

Mr T F Dreyer, manager of the hostel, refused to comment about the arrests or the allegations that residents had been locked out of their rooms.

The Chief Commissioner for the Department of Co-operation and Development in Natal, Mr R N Bunnick, said he could not comment until he had received a report from Mr Dreyer.

to the problem in MAN.

can. of the interest on an the tax shield arising same discount factor is likely to be equal text includes the invest- ould be used. Further- of depreciation allowed air comparison with discount factor is likely to be equal to have a taxable income e stream in Term 2 ed for this term. he interest rate on count factor equal

# Labour laws could be fought in court

By STEVEN FRIEDMAN  
Labour Reporter

NEW black labour regulations introduced by the Government earlier this year could be challenged in the courts because two paragraphs seem to contradict each other.

Official comment was not available yesterday, but informed sources say Government officials have conceded there are inconsistencies in the regulations.

The West Rand Administration Board announced it was beginning to implement the regulations this week.

They have been criticised because they introduce a new card which black workers must carry in their reference books.

The contradiction may allow

the new system to be challenged in the courts. It may also provide a legal "loophole" for employers who are prosecuted for hiring workers without notifying their local labour bureaus.

In terms of the new regulations, which were introduced as part of a Government plan to implement the report of the Riekert Commission, blacks with urban residence rights no longer have to register as workseekers.

They are also not required to notify their local labour bureau when they change jobs.

However, employers are still obliged to notify the labour bureau if they employ workers with residence rights and they can be prosecuted if they fail to do so.

In addition, workers who change jobs still have to obtain two "notification of employment" cards — "F" cards — from the labour bureau and present them to their employer.

The employer must then give the worker one of the cards which must be produced on demand by a policeman or other official.

This stipulation received little publicity when the regulations were first introduced but has been sharply criticised over the past few weeks.

Critics believe the new card will place an additional burden on urban blacks, although the regulations were ostensibly designed to ease their ability to find jobs.

However, the contradiction in the regulations could render this stipulation invalid.

Regulation 14 (3) says that no permission to employ blacks is needed if they have urban residence rights. The onus is on the worker to prove that he or she is qualified to live and work in the cities, but no further permission is required.

However, regulation 16 (b) says an endorsement in a worker's reference book does not absolve the employer from complying with the two card system.

"The two clauses seem to directly contradict each other and leave the way open for prosecutions to be challenged in the courts," Mrs Sheena Duncan of the Black Sash said yesterday.



er 5  
will  
d by  
Garth  
an  
H-85  
darl-  
peace-  
ber 5  
his  
  
I-85  
dear  
passed  
Friday  
by  
  
I-85  
Saul  
of  
and  
away  
Deeply  
  
I-85  
dear-  
away  
always  
bro-  
Rose  
JJ-85  
Saul  
Morris  
of  
September  
love and

sister-in-law passed away  
peacefully Sept 4 Deeply  
mourned by Ma Freddy and  
Hazel and the boys H-85  
SIMPSON — Rebecca our dear  
sister-in-law and aunt passed  
away peacefully Sept 4  
Deeply mourned by Kathv  
Davie Ralph Keith and  
Richard H-85  
SLEVIN — Ben passed away  
suddenly on September 7  
Deeply mourned and missed  
by his loving brother Dave  
sister-in-law Nita Maurice  
Cherry Alan Louise Aron  
Diane and Stephen  
Mav his dear soul rest in  
peace H-85  
SMITH — William (Jock)  
passed away suddenly Sunday  
morning September 7 Sadly  
missed by his daughter  
Theresa son-in-law Gordon  
and grandchildren Craig and  
Nicolette I-85  
SMITH — William (Jock) our  
beloved brother-in-law passed  
away suddenly on Sept 7  
Will be fondly remembered by  
Rudolph and Eileen JJ-85  
SMITH — Rocky my brother-  
in-law passed away suddenly  
on September 7 Will always  
be remembered by his sister

# Arms 206 Forced to live apart

qualified husbands, as required by Section of the Urban Areas Act.

the men we see live in the "single- here their wives cannot "ordinarily" reside as it is illegal for women to live in the  
those men who manage to move into a have any hope of getting permission  
to live with them.  
in the housing shortage intervenes and it  
possible for a man to transfer his regis-

tration from the single-quarters to married housing.  
'Often the only hope is that the man gets his own house — either his firm converts a "zone" for him or he himself can afford the R3 000 necessary to do this.  
'But because the Western Cape does not offer the 99-year leasehold scheme applicable in the rest of the country, banks will not lend the necessary money.  
'The waiting-lists for housing in the townships grow longer and longer and only the lucky few get permission to bring in their wives and enjoy normal family life.  
'The vast majority are condemned to loneliness.'



Cape Times 10/9/80

# Eviction notices at Langa 'a mistake'

Staff Reporter

THE eviction notices sent to the residents of the Langa Barracks in July were a "mistake", the acting director of the Western Cape Administration Board, Mr F Gunter, said yesterday

People living at the barracks were housed there after the Hout Bay squatter camp was demolished in July

The WCAB promised them alternative accommodation, and work permits for the men. Women needing medical attention were allowed to stay

Later in July the WCAB issued notices that they should vacate the place within eight days — failing which they would face prosecution

After eight days, the WCAB did not take any action against the people. It also did not announce what their fate would be

Mr Gunter said the notices were intended for barrack dwellers who were in the Peninsula without medical reasons or similar problems

AWW  
Zeb

The general approach will now be applied to the problem in MAN. 530 which follows.

- Re: Term 5: The riskiness of this flow is likely to be equal to that of Term 3 thus the same discount factor is suggested. This stream is the tax shield arising from the tax deductibility of the interest on an equivalent (the displaced) loan.
- Re: Term 4: The riskiness of this flow is likely to be equal to that of Term 3 thus the same discount factor is suggested. To facilitate a fair comparison with leasing the most rapid method of depreciation allowed by the Receiver of Revenue should be used. Further- more depreciation in this context includes the invest- ment and initial allowances.
- Re: Term 3: Here it is suggested that a discount factor equal to (or slightly higher than) the interest rate on a comparable loan should be used for this term. This stream is riskier than the stream in Term 2 because the lessee requires to have a taxable income to get the cash flow.

STAR (206)  
11/9/60  
72-hour curfew report sent to 'higher authority'

Pretoria Bureau

The report on the experiment in Pretoria and Bloemfontein to scrap the 72-hour curfew on visiting blacks, has been completed

A spokesman for the Department of Co-operation and Development said the report had been completed by departmental officials, and had been sent to "higher authority"

It was being studied by the Director-General of the department, Mr J H T Mills, he said

The spokesman added that although the report had been completed, the 72-hour curfew was still not being applied in Pretoria and Bloemfontein.

When Dr Koornhof, the Minister of Co-operation and Development, announced the lifting of the curfew as an experiment earlier this year, he said that if it was successful, it could be extended to other cities

The lifting of the 72-hour limit by no means abolishes influx control.

The experiment is largely in terms of the Riekert report published last year which suggests that the 72-hour restriction be phased out

The report suggests instead that the availability of housing and employment for blacks be used as criteria on whether they should be allowed to live in an area

Dr Koornhof has made it clear that influx control would concentrate on the elements of housing and employment for the duration of the experiment

The administration of the experiment has caused great confusion.

One senior official of the Department in Pretoria is said to have said that the abolition of the 72-hour restriction means that blacks would not be allowed to visit the city even for less than 72 hours



YOUR daughter reaches a certain age and the law requires that she apply for the "necessary document." Armed with her birth certificate, both your and your wife's identity books, your house permit and a certificate covering her entire school career, you take her to the relevant Government office.

Without being attended to, an official sends her to another office in a different part of town. From there she is sent back to the first office about 15km away. She is then sent to an office in the area where she lives. She then gets sent back to the first office, where she is told to go back to the office she had been to after the one where she started off.

Two months later she still waits for her document and could wait much longer. She has spent time, money for travelling from one office to another and more time waiting in long queues.

Another vignette  
Keith M, who was born in Johannesburg, has just left school and requires a work-seeker's stamp in his reference book for the Johannesburg area.

He goes to the offices of the West Rand Administration Board for the stamp. He has in his possession a reference book, a Johannesburg birth certificate, a valid entry in his step-father's housing permit, a stamp in his reference book covering his education at boarding school, letters from the tuition projects he was assisted by as a private candidate, and affidavits from his parents confirming his documents.

He clearly qualifies to be in Johannesburg and should have no problems in gaining his Section 10 (1) (a) (of the Urban Areas Act) rights. In fact his Johannesburg birth certificate, and perhaps a record of his school career, might have been all that was needed to attain those rights.

Not so in an official in one office at the Wrab. He asks Keith to write a full history of his life, from the time of his birth. Again the same story. He is finally granted that qualification, but not before travelling back and forth and waiting in queues to have a duty performed which should normally take minutes.

Or, you live in Johannesburg and have a house. You battle for 2½ years to have your wife and three children to be allowed to live with you. Permission is finally granted. During the run-up to your victory you've been required to supply piles of documents and affidavits, one of which is the birth certificate of your mother-in-law, who has long since died and her possessions long misplaced or forgotten. Your mother-in-law was perfectly rural and the chances of her ever having had a birth certificate extremely remote.

This can't be true? Perhaps lines out of a comic novel? Well, there are people who attend to just such cases every day of their working lives.

"The average African will tell you that contact with officialdom always means endless queues and endless delay," says Ina Perlman, of the South African Institute of Race Relations.

And Sheena Duncan, director of the Johannesburg office of the Black Sash, talks about the "bureaucratic bulges." About the "extreme arrogance, obstructiveness, rudeness and authoritarianism displayed by some officials of Wrab and of the Department of Cooperation and Development."

The Black Sash and the institute are besieged by scores of people daily with a variety of problems, such as the above cases, lifted from recent records of the institute. Each day a steady stream of people go to the institute. A visitor to the offices of the Sash on any day will be met by people crammed in a large office waiting their turns to see Sash workers for advice or the solution of their problems.

Last year the Sash devoted much of its time to such complaints from people, says Mrs Duncan. "Far from there having been any improvement in the past year things have become worse and large numbers of people have been ordered to go away and make affidavits before they are given the registration they are seeking, or have been made to go through needless, senseless bureaucrat-

# When the tortoise becomes a bully

ic processes

"There is no escaping the suspicion that some officials enjoy demonstrating that 'I am the boss' and that they enjoy exercising power over those they control. It is a characteristic of laws relating to blacks that in many respects access to the courts has been removed and more and more uncontrolled authority has been placed in the hands of administrative authorities."

"Hundreds of people have come to us because they have been subjected to unnecessary and arbitrary demands," she says.

Adds Mrs Perlman "It has always taken at least a year to get a late registration of birth and almost as long to get a duplicate birth certificate. When people's ability to get work depends on that precious possession, a reference book, this is unforgivable."

"Pensions take at least six months to come through, from the date of application. But recently there is a significant tendency of officials to go to the most extraordinary lengths to delay the issuing of that precious Section 10 (1) (a) stamp."

"Young people who apply for reference books are having to go through a most extraordinary series of unnecessary delays, and to crown it all — even those who have their scholars' book are now having to go through the same performance of additional affidavit upon affidavit when they present perfectly legal documents for validation."

"When in the past officials accepted two of four criteria laid down in the Act as requirements for a Section 10 (1) (a) or (b), they now not only demand that the applicant fulfils every criterion, but he or she has to bring documentation for every year of their life, and at the whim of the official, this has to be reinforced by totally unnecessary affidavits by all sorts of relatives."

"This involves a loss of working hours that must be quite staggering and is particularly ironical when balanced against the Minister of Manpower's appeals for 'greater productivity'."

"The length of time it takes to get a birth certificate, hours and hours of time spent, and money spent on travelling — and this is routine and happening to kids all along the line — the amount of paper work. It's an absolute musical comedy."

"They are trying all sorts of reasons to prevent people having Section 10 (1) (a) rights," says Mrs Perlman.

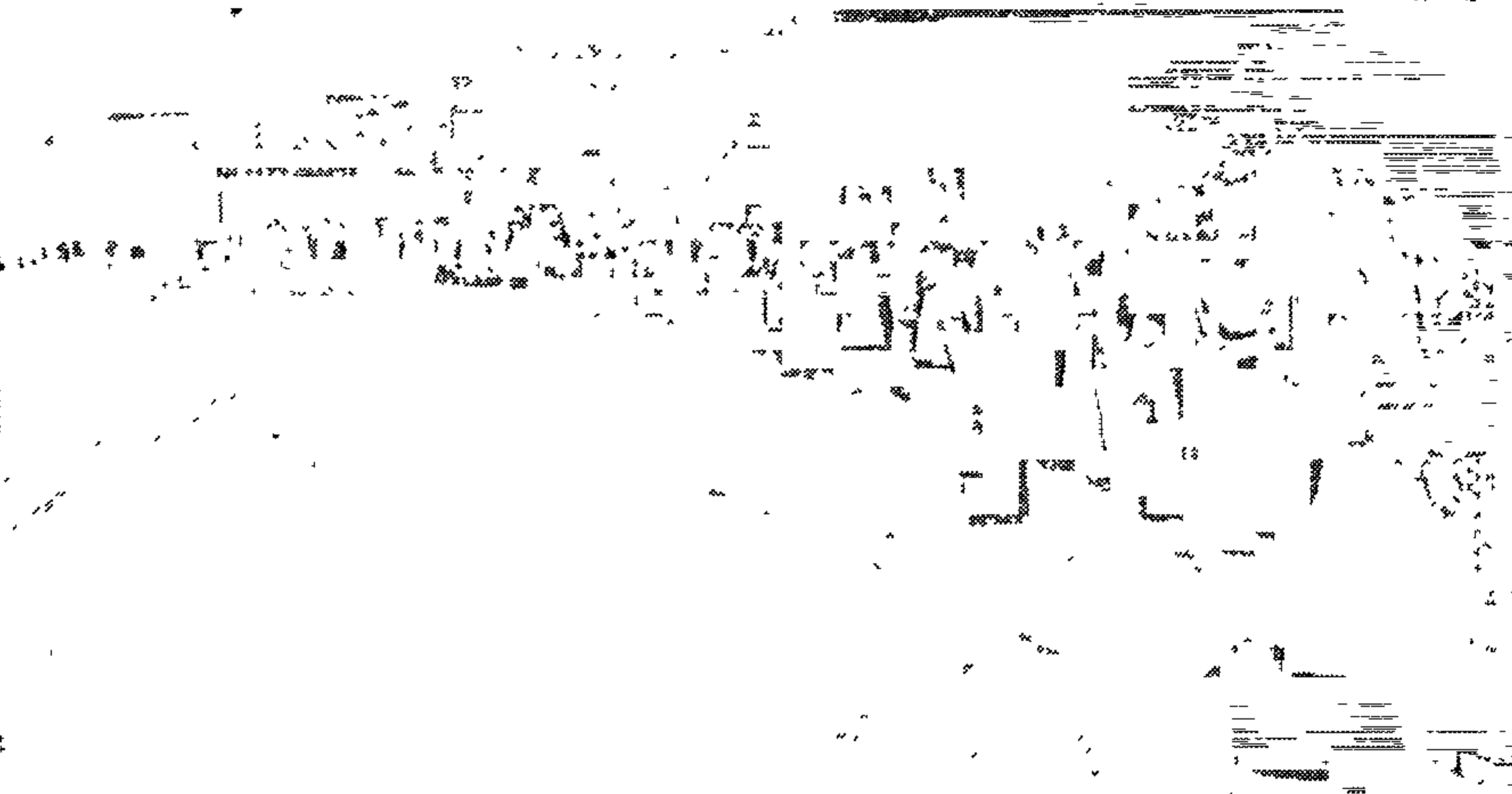
Mrs Duncan has identified some of the pinpricks:

● Wives and children "There has been a promise that if a person buys a house his wife and children would be given permission to live with him. Sometimes you can and sometimes you can't. It all depends on what the bureaucrats in your township decide. Sometimes you can't get permission for your wife unless you buy a house but you can't buy a house unless your wife has permission."

● Freedom of movement has been promised to qualified people who have a job and accommodation following the Rieker report. "Wrab doesn't seem to know this. We have seen several qualified people from Pretoria, the East Rand and elsewhere who had both jobs and accommodation endorsed out when they asked for registration."

● People who have not been enumerated on any residential permit are subjected to "endless demands" for proof of residence in Johannesburg. "But now even those whose papers are entirely in order are ordered to go and make affidavits about anything the official can think up to delay the application."

The following case records illustrate some of the problems



A picture taken in January of people waiting in a queue outside the offices of the West Rand Administration Board in New Canada, near Soweto. People had visited the offices with a variety of problems, such as housing, to apply for reference books, or for particular rights.

The average black will tell you that contact with officialdom always means endless queues and endless delay. Blacks who visit the West Rand Administration Board and offices of the Department of Cooperation and Development

are often harrassed and made to go through needless bureaucratic processes, say workers at the South African Institute of Race Relations and the Black Sash who deal daily with such problems. **DIAGO SEGOLA** reports.

the Institute and the Black Sash have to deal with.

● Miss G D was last month denied Section 10 (1) (a) because she did not have a housing permit, despite her mother having Section 10 (1) (a) permission for Johannesburg. To prove that she born in Johannesburg she furnished affidavits from her mother, her grandmother, herself, her grandfather, clinic card dating from 1957, a baptism certificate and a schooling record. She had always lived in Johan-

nesburg. Her problems stemmed from the fact that she was not mentioned in the residential permit. "Because of ill health and carelessness, my husband failed to put her on the residential permit," says her grandmother in her affidavit.

● J M writes in an appeal to the institute "I lost my marriage certificate. We married in Alexandra Township in 1971. But I lost the date too, I don't know what date, what month, only the year. When I go to Alexandra Bantu Affairs Com-

missioner, they say I must not come and waste their time and tell me to go away from their office. Please give me a good idea where I must go. I don't know what to do."

● E M was born in Kiptown, Johannesburg, in 1956. He attended primary school in Soweto and was sent to boarding school in Gazankulu. He took out his reference book in Gazankulu and due to ignorance did not object when he was not registered for Soweto. He has applied to be registered in Jo-

hannesburg and be listed in his father's house permit. He had to furnish affidavits from his father, his mother, principals of schools he attended in Soweto, and from a registered midwife who delivered him at the Red Cross Clinic, Kiptown. "There is still progress in this case," says Mrs Perlman.

● Mr I N wanted to get his wife onto his house permit. He told to furnish the reference book number of his wife whom he had divorced and not seen for many years.

## Wrab: Charges unwarranted

THE WEST Rand Administration Board's director of labour, Mr Armand Steenhuisen, said yesterday the criticism by the Black Sash and the South African Institute of Race Relations was "unwarranted and uncalled for."

Senior officials of the board were prepared to investigate the cases mentioned and to advise "any interested parties" of the outcome of their findings.

"No person can expect of the board's officials to confer certain rights prescribed by law on black persons without written proof having been produced by an applicant that he or she qualifies for such rights. For the purpose of conferring such rights officials cannot rely on verbal evidence."

"When persons are referred to various offices it is only because their documentation is not in order and they have to obtain the required evidence. For example, if a person has a birth certificate proving that he or she was born in the prescribed area and this person has been enumerated on the house file and if there is no evidence that such a person has left the area for any length of time, no additional evidence would be required to confer a Section 10 (1) (a) qualification."

"The board's officials have enough work to do in dealing with numerous applications daily without unnecessarily having to go through the time-wasting procedure of insisting on unnecessary documents. In fact, the board's officials lean over backwards in trying to assist people to obtain proof where it is required," Mr Steenhuisen said.

Wrab's public relations officer, Mr Jan Bosman, said the board had received many letters of appreciation from people, both black and white, thanking it for the "courteous assistance rendered by its officials."



# No great change in the pass laws

206  
Korn  
11/9/80

**W**ITH talk about change all the fashion, and with Dr Piet Koornhof on record in declaring war on the dompas, the West Rand Administration Board has made known the changes it has introduced in labour regulations affecting blacks. These have come about as a result of last year's Riekert Commission recommendations for improving the lot of city blacks while tightening influx control.

Some positive aspects can be noted for example, blacks who qualify to live in the cities are no longer compelled to register as work-seekers; blacks no longer have to keep returning to labour bureaus for renewal of permission to seek work, but one visit will now suffice; registered workers are now allowed to do other work in their spare time if they have written permission from their employer.

On the other hand, an attempt to introduce an E2 (Notification of Employment) Card has, mercifully, come unstuck. It was to have been another piece of paper — or thin cardboard, as it actually is —

to be carried by a worker at all times, together with his pass, under pain of arrest. Wrab now says it will be only an "optional" document.

Putting the changes together, they do not add up to a great deal. There's a bit of streamlining here and there, with a certain amount of relaxation for black workers and for employers.

At the heart of it, however, the pass law system and all that goes with it remains untouched. The controls over the lives of blacks continue as pervasive and oppressive as ever, and the same vast amount of bureaucracy is required to maintain the controls, backed by the same numbers of policemen, magistrates, prosecutors and prison warders.

What this can mean in the lives of ordinary people is graphically illustrated in our report on the opposite page today. For as long as blacks are singled out as victims of such outrageous treatment, the Nationalists will have difficulty in convincing anyone that real change is happening.

# 'Workers' victory'

By Sieg Hannig  
Labour Editor

A new breakthrough for workers' rights has been achieved by the Industrial Court in its first hearing of an alleged unfair labour practice.

"The case has shown that the Industrial Court has strengthened the hand of the workers," commented a lawyer on the out of court settlement won by a black contract worker and his unregistered trade union.

In terms of the settlement, the employer, Precision Tools, agreed to pay the Metal and Allied Workers' Union R4 000 and committed itself to a recognition agreement

STAR  
17/9/60  
The agreement provides for.

- Recognition of the union
- Acceptance of the union's shop stewards.
- Shop steward representation for workers in grievance procedures which provide for arbitration in the event of a deadlock.

The union failed to achieve the reinstatement of Mr Stephen Maponya who was allegedly victimised for his union membership by the firm's failure to renew his migrant contract.

But Mr Maponya got a new job this week and is to receive about R1 000 from the R4 000 being paid to the union.

# Test case victory for contract worker

12/9/80  
30m  
11/11/80  
206

By STEVEN FRIEDMAN  
Labour Reporter

THE new industrial court's first test case has ended in a major victory for contract worker Mr Stephen Maponya and his union, the Metal and Allied Workers Union.

In an out-of-court settlement yesterday, Mr Maponya's former employer, Precision Tools a small Johannesburg engineering company, agreed to pay the union R4 000 and recognise it.

The agreement accords recognition to the union shop stewards in the factory as well as company recognition of the union itself.

The company has also undertaken to grant the union "stop order" facilities, grant its organisers access to its factory

once a week and introduce a grievance procedure for workers.

Mr Maponya and the MAWU brought the case to the court after the company refused to renew his migrant service contract. They claimed the company did this as a reprisal for Mr Maponya's union activities.

Although the union had originally asked the court to reinstate Mr Maponya, he has found another job and this issue has thus fallen away.

Last month, the court handed down an historic judgment in the Maponya case in which it found that unregistered trade unions were entitled to bring cases before it.

It also found that unregis-

tered unions were entitled to bring cases to the court in which they alleged that their members had been victims of an "unfair labour practice".

This opened a legal avenue to black unions after the Supreme Court had found, in the "Bosman case", that black unions had no right to bring an interdict against an employer on behalf of union members who fear victimisation.

The industrial court also agreed to allow counsel for Mr Maponya and the union to lead evidence to support their claim that the company had been guilty of an "unfair labour practice" by refusing to renew the contract, even though it was legally entitled to do so.



HANDED DOWN BY PASS COURTS

Prosecutor who  
quit says courts  
uphold apartheid

ADAM KLEIN, the Commissioner's Court prosecutor who caused an uproar by walking out of his job because, he said, the courts were being used to enforce apartheid, is a quiet-spoken, sturdy young man whose bearded face was showing lines of tension when I spoke to him in Pretoria.

"A very neat system has been built up in which the law, justice if you can call it that, is used to apply apartheid to every sphere of a Black man's existence," he said.

"It is very ingenious — and it usually works just the way the Government wants it to.

"Courts have been set up to prosecute Blacks under the laws of apartheid.

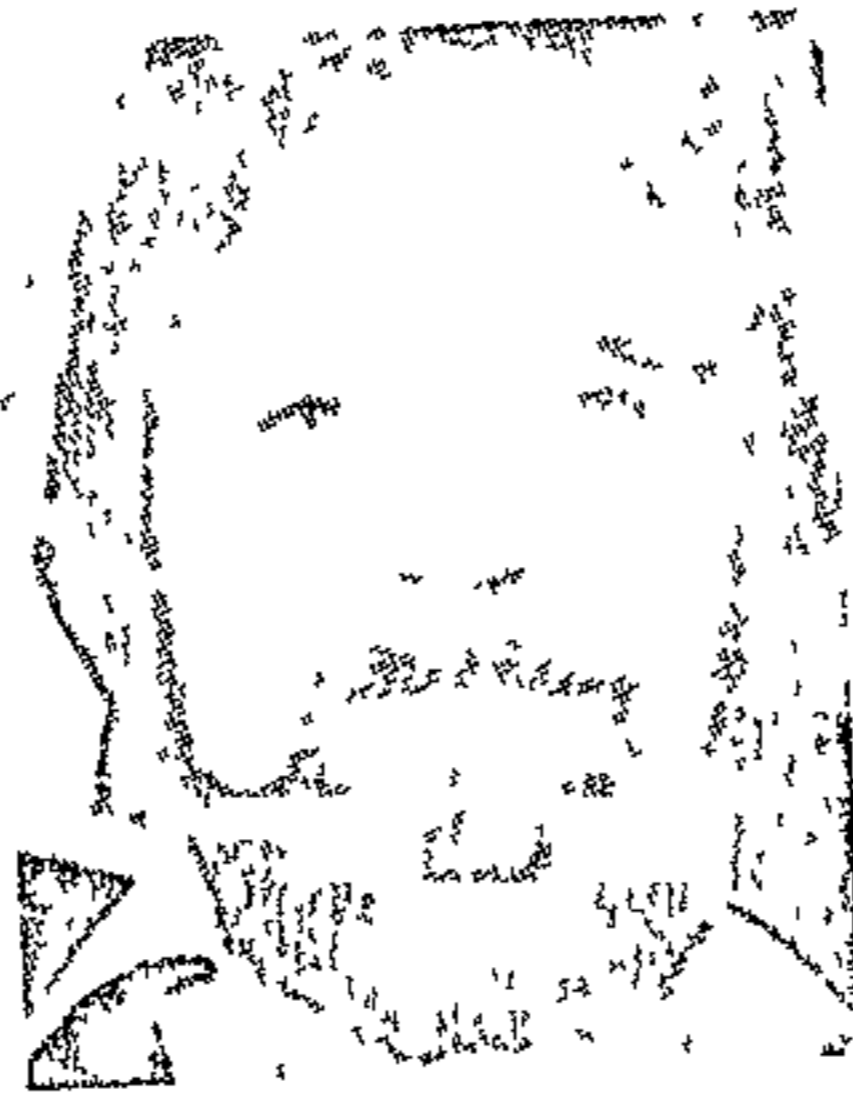
"There are more than 300 discriminatory laws under which a Black man can stand trial before a commissioner.

"The Government and its supporters justify the use of these laws by saying they have been passed by Parliament or proclaimed in the Gazette. The argument runs 'That is the law and it must be applied'.

"But I maintain that these proclamations should be tested in court and when that is done some will be found to be null and void. They are bad in law."

Mr Klein grew up as a middle-class Pretoria boy — his father was a motor mechanic — and was educated at Langenhoven School in Pretoria. After two years of B Proc at Pretoria University he joined a firm of attorneys as an articled clerk.

"I have never considered myself a politically committed person, but I was involved at one stage with Mr Theo Gerdner's Democratic Party and later with the New Republic Party," he told the Sunday Express.



Adam Klein  
'years of tension'

"But I have always felt a deep concern for Blacks and when I completed my articles I decided to specialise in Bantu Law — that is not my phrase, it is the way it is described in the syllabus — and applied for a position in the Commissioner's Courts.

"I realised soon after I went there a year ago that the courts were being used to enforce apartheid.

"I was appointed a prosecutor — I became part of that system. If I am tense now, it is because that tension has been building up for years. There

were few people I could discuss my problems with among them a close friend who resigned for the same reasons as I did.

"I tried discussing how I felt with my superiors in the department, and whenever I did I was told that that was the way things were done and that I had to accept it."

Mr Klein said he had discussed his misgivings with "dozens" of senior officials but only one had helped or shown sympathy.

"The aspect I resented deeply, which I felt to be so very wrong, was the way in which the administrators became a force in the courts. Every case had to be postponed for their convenience.

"I worked out that in Pretoria alone Blacks arrested for simple pass offences — many of whom would eventually be warned and discharged — spent thousands of hours in jail while the administrators were checking their documents.

"I could have gritted my teeth and said to myself 'this is the way I am getting experience of Bantu Law', but I could not reconcile my conscience to being part of that system.

"That is why I walked out."

the items having the highest total cost.

- 5 Compute for each item its percentage of the total for:
  - (a) Units — number of units of each item divided by total units of all items, and
  - (b) Total cost — total cost of each item divided by total cost of all materials.
- 6 Plot the percentages on a chart.

The following simplified example demonstrates this procedure.

## TWO VIEWPOINTS CONDEMN THE JUSTICE

# Pass offence accused 'denied fair trials'

SUN EXPRESS  
14/9/80  
206

THE accused in many pass cases heard in Commissioners' Courts are not given a fair trial because of errors in interpreting questions put to them by prosecutors, a Johannesburg legal researcher claimed this week.

"Legally, pass offences are regarded as minor matters, even though hundreds of thousands of people are sent to prison every year as a result of them," Mr Ramarumo Monama told the Sunday Express

"The cases are not subject to automatic review by the Supreme Court. This allows errors in procedure and in the application of the law by Commissioners to go undetected."

Mr Monama is a research worker in the Centre for Applied Legal Studies at the University of the Witwatersrand. He has made an intensive study of cases heard before the Commissioner's Court. His comments came after a recent furore when a prosecutor in the Pretoria Commissioner's Court, Mr Adam Klein, resigned arbitrarily, saying he was not prepared to "apply apartheid under the guise of justice". Mr Klein also alleged irregularities had taken place in cases which he had prosecuted, including the intervention of officials.

Mr Monama told the Sunday Express that in the overwhelming majority of cases he had observed the accused were not represented by lawyers. Black policemen often acted as interpreters.

The inadequacy of interpreters led to problems. The circumstances which most frequently led to errors, Mr Monama said, were when the accused possessed a valid reference book but had not been given an opportunity by the police to fetch it.

What often happened, he alleged, was that the prosecutor often put the charge correctly to the accused, saying:

"You are charged with the contravention (of a certain law). How do you plead?"

However, instead of interpreting the question precisely, the interpreter would ask the accused: "Is it correct that you were found without a permit?"

The accused would reply: "Yes, that is so", and the interpreter inform the court that the accused had pleaded guilty.

Some commissioners then convicted the accused without

By **JEAN LE MAY**  
Political Reporter

further inquiry into the facts, Mr Monama said.

The accused had no opportunity to defending himself. People convicted often protested before sentence was passed that they were not guilty because they should have been given an opportunity to fetch their reference books, but this led to more problems.

Evidence of the circumstances of the arrest had to be called and the arresting officer was not always available.

The accused was then remanded in custody, which caused more resentment.

Mr Monama urged that the law should be changed to make all pass cases subject to automatic review by a higher court.

"Commissioners working under great pressure with hundreds of pass cases a week are inclined to remain unaware of certain important factors in establishing the true facts behind every case and this, in my opinion, can lead to errors of

judgment in passing sentence," said Mr Monama.

"However, I have noticed that in inquiries under Section 29 of the Blacks (Urban Areas) Consolidation Act, after which a person can be declared 'idle and undesirable', presiding officers go to immense pains to establish the true facts.

"This, in my opinion, is because all such inquiries go for automatic review by a Supreme Court judge.

"I feel very strongly that a change in the law which would send all pass cases for automatic review would go a long way towards improving the quality of justice in the Commissioner's Courts."

Mr Monama also criticised the criteria under which it is decided whether a case shall be sent to the Supreme Court for review, which are:

- When the sentence is a fine of R250 or three months' imprisonment imposed by a magistrate with less than seven years' service.

- A fine of R500 or six months' imprisonment imposed by a magistrate with more than seven years' service.

● Ramarumo Monama — 'accused not always given a fair trial'



Mercury Reporter  
ALMOST half South Africa's black prisoners are jailed because of influx control laws, according to Mr John Pegge, national director of the National Institute for Crime Prevention and the Rehabilitation of Offenders (Nicro).

Mr Pegge was commenting on a claim in Nicro's annual report which says that South Africa's prison population is more than twice that of any other country in the free world.

The statistics quoted in the Nicro report are based on June 1979 figures from the Institute for Criminology at the University of Cape Town. The report claims that for every 100 000 people living in South Africa, 440 are in jail.

The United States of America has the next largest prison population, with 189 per 100 000 people in jail.

According to the report, statistics for the communist countries are not available.

Influx control laws are not only responsible for the high prison population, but also for causing the greatest amount

of friction between race groups in the country, said Mrs Helen Suzman, justice spokesman for the Progressive Federal Party.

She said she had often raised the matter in Parliament and would do so again during the next session.

She said the 'pass law' prisoners were not real criminals, but statutory criminals.

The 'technical' offence prisoners were often subject to the influence of other 'hardened' criminals while in jail.

Mr Pegge said the Government was aware of the problem regarding the high prison population and was looking at influx control laws with a view to reform.

He said Nicro hoped to be able to organise a conference on alternate forms

of punishment. He said a problem was that it was easier to check if sentences were carried out if offenders were fined or imprisoned.

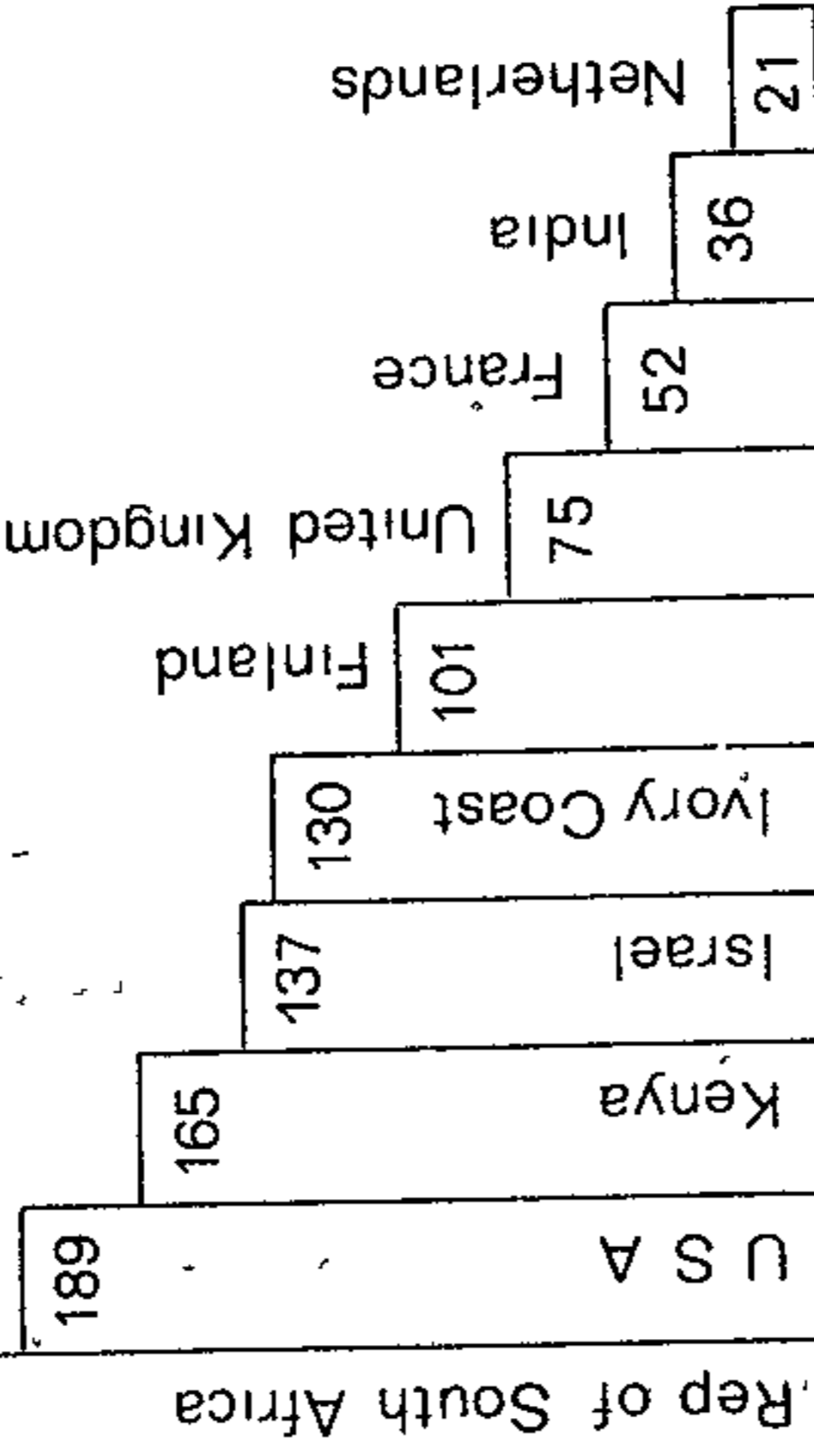
There is no doubt that reform in sentencing practice and the encouragement of an innovative sentencing policy can contribute towards a reduction in the prison population.

But he said the infrastructure did not exist in South Africa to enforce non-custodial sentences.

Mr Pegge added there was danger in looking at only political references for the high prison population.

The reasons are broader than politics. The standard and quality of life for the majority of South Africans has to be improved.

THE graph comparing South Africa's prison population with other countries in the 'free world' per 100 000 of the population. The graph was published in the annual report of the National Institute for Crime Prevention and the Rehabilitation of Offenders



206

08/9/80



**What**

206

~~206~~

NM 16/10/80

**a record!**

**Influx laws partly  
to blame for SA's  
large prison population**

# Lodger ruling takes effect

**SUNDAY POST Reporter:**  
ALL regional offices of the Department of Co-operation and Development have been told to observe the court ruling nullifying lodgers' permits.

"We have accepted the court's ruling and Chief Commissioners throughout the country have been told that the ruling should already be in effect," a spokesman for the department said this week.

The spokesman for the West Rand Administration Board (Wrab), Mr. Jan Bosman, said they had received the directive and the board was studying it carefully.

Although the directive was still being studied, he said, it was clear that Section 20 (1) of the township regulations had been nullified.

He added that influx control would not be affected by the department's decision. "It is only that specific section which will change otherwise everything remains as it was."

The department's decision to do away with the permit requirement followed an Appellate Court Division ruling that a woman from the homelands did not require a permit to live with her husband in an urban area.

206 Post 17/7/80

# Anti-apartheid lawman raided

By NORMAN NGALE

THE FLAT, car and offices of Mr Adam Rudolph Klein, a Pretoria ex-prosecutor, were searched by police yesterday

Two files which contained court records and his personal copies of poems and essays were taken away

Mr Klein resigned from his job as public prosecutor last month after he had walked out of court case claiming that he was not prepared to serve apartheid

Mr Klein said this was his first contact with the police since his claim

that Commissioners' Courts were practising apartheid under the veil of justice

The search warrant left in Mr Klein's possession said that the police were looking for court records "concerned in the commission of an offence"

### NO TIME

"But they took my personal belongings as well and, when I asked why they were taking the poems and essays, they said they would return them. They said they were in a hurry and had no time to read the contents," Mr Klein said.

"They also searched through my books and asked why I was reading Breyten Breytenbach's works," he said

The police did not tell him whether a charge was to be preferred against him but said they would be in touch with him, Mr Klein said

Prior to the police visit, this reporter was called to Pretoria Central police station for questioning by Lt W L Lambrecht and was asked whether a paragraph quoted in a story on Mr Klein, published in POST on September 5, contained Mr Klein's own words

The paragraph read "I do not want to sound like Dr Rhodie, who threatened that he had some tapes which could damage the image of the Government but I have records — court records — which will prove such irregularities."

Item in MAN.

ced) loan.

Re: Term 5: The riskiness of this flow is likely to be equal to that of Term 3 thus the same discount factor is suggested. This stream is the tax shield arising from the tax deductibility of the interest on an

Re: Term 4: The riskiness of this flow is likely to be equal to that of Term 3 thus the same discount factor is suggested. To facilitate a fair comparison with leasing the most rapid method of depreciation allowed by the Receiver of Revenue should be used. Further- more depreciation in this context includes the invest- ment and initial allowances.

Re: Term 3: Here it is suggested that a discount factor equal to (or slightly higher than) the interest rate on a comparable loan should be used for this term. This stream is riskier than the stream in Term 2 because the lessee requires to have a taxable income to get the cash flow.



# Influx control: New deal soon

(1209)

STAR D  
17/1/60

## Political Reporter

Plans for a new system of influx control and the better development of urban black areas are contained in draft legislation expected soon

The proposed legislation is likely to closely follow the controversial Riekert Commission recommendations on influx control

The commission recommended.

● The scrapping of the 72 hour limit on black visitors to white areas

● An influx control system based on the availability of jobs and suitable accommodation

● That penalty provisions aimed at black workers illegally employed in white areas should be abolished

● That very heavy fines, should instead be imposed on employers of illegal black labour.

The proposals have caused a concern in conservative Nationalist circles and have also been deplored by prominent black leaders who say they will not relax influx control, but will in fact make it more effective

Senior Government officials are remaining tight-lipped about what is contained in the draft legislation.

A reliable source said today, however: "As far as possible we have stuck to

the Riekert proposals"

Experiments have been carried out in Pretoria and Bloemfontein to determine the viability of the Riekert proposals

A Black Community Development Bill proposed by the commission has virtually been completed, according to informed sources. This is aimed at the more purposeful development of black townships in white areas

## Late flush

### General Walls dismissed

Prime Minister Robert Mugabe announced in Parliament today that Lieutenant General Peter Walls had been dismissed

The commission's report said. "The commission is of the opinion that the most important advantage of the Black Community Development Act will be the fact that it strengthens the position of the established black communities in the white area."

It would afford them new and much wider opportunities for decision-making on their own development "in an atmosphere free from the historical prejudices created by outdated provision"

# Police arrest 206 in raid on Soweto hostel

Staff Reporter

A SPECIAL squad of about 400 police arrested 206 trespassers and confiscated 3 000 litres of bootlegged home made alcohol at Dube Hostel, Soweto, in the early hours of yesterday.

Colonel Steve Term, chief of the Soweto CID, said he had received several calls from hostel dwellers that the selling of bootlegged home made alcohol was causing serious assaults which could lead to deaths.

He said the police were unable to arrest anyone for dealing in liquor during the raid because often more than ten people occupied a hostel room and each could deny the liquor was his.

After more than a dozen people had complained, the CID sent 400 police to raid the hostel and arrest those trespassing.

'We always do our best to prevent crime before it is too late. I will treat every crime tip off with care and promise people that their identities will

not be disclosed. What is so pathetic is that the people who get arrested during or after the drinking of bootlegged home made alcohol are the same as those arrested in the past.

Just to show that crime can be curbed with the co-operation of the people in the townships, there was only one man stabbed to death on Monday and it happened at his home.

If the family of Mr Winkie Banda, 33 of Mofolo, had notified the police that there was an argument going on, it would be speaking today of having no murders in Soweto.

He thanked the people of Soweto for their co-operation and said he believed crime in the townships could be reduced to a manageable level.

Col Term said there had been no armed robberies in Soweto in the past few weeks.

'People should always leave criminals with no one to prey on - by tipping us off about a possible crime,' he said.

increases, as the particle penetrates deeper into the medium. The density of energy deposited (-dE/dx) is therefore highest at the end of the range (fig. 25).

Relatively heavy particles such as the p or  $\alpha$  are not significantly deflected in their collisions with the much lighter electrons in matter and the maximum energy lost per collision is only a tiny fraction of the p or  $\alpha$  energy. These heavy particles therefore retain their original directions throughout the slowing down process and their ranges are well defined - do not vary much from one particle to another of the same energy (fig. 24(a)).

single elastic collision with a proton. The maximum nuclear recoil energy  $E_{max}$  resulting from elastic scattering of neutrons (of mass  $m_n$  and energy  $E$ ) on a nucleus of mass  $m_N$  is given by

$$E_{max} = 4m_n m_N E / (m_n + m_N)^2 \dots \dots \dots (34)$$

Thus  $E_{max}/E$  is much smaller for heavy nuclei than for hydrogen.

### (c) Gamma rays

The three most important effects in the interaction of gamma rays with matter are the photoelectric effect (described in section 2.1), the Compton effect (section 2.1,p.5) and pair production (section 2.3,p.8). Energy is transferred from the incident gamma photon to a photoelectron, a Compton electron or an electron-positron pair respectively. These charged secondary particles then interact with the medium as described in (a). As in the case of neutrons, the interaction of gammas with matter is a statistical process and is governed by an exponential absorption law of the form given by eq.(33) but with  $\alpha$  representing the gamma ray absorption coefficient. This coefficient can, in turn be considered as the sum of components  $\alpha_{PE}$ ,  $\alpha_C$  and  $\alpha_{PP}$  corresponding to the photo-, Compton and pair effects. Thus

$$\alpha = \alpha_{PE} + \alpha_C + \alpha_{PP} \dots \dots \dots (35)$$

The absorption coefficients are largest for the heaviest elements (e.g. lead) and  $\alpha_{PE}$  usually dominates for gamma energies below 0.5 MeV,  $\alpha_{PP}$  for energies above ~ 10 MeV and  $\alpha_C$  for energies around 1 MeV.

A convenient measure for gamma interaction calculations is the half-thickness, analogous to the half-life in radioactivity. This is defined as the thickness  $x_{1/2}$  of the particular medium required to reduce the fraction  $N/N_0$  (eq.(33)) to one half for a particular gamma energy.

$$\text{Thus } N/N_0 = \frac{1}{2} = \exp(-\alpha x_{1/2}) \dots \dots \dots (36)$$

Some values of  $x_{1/2}$  are given below (in mm)

Energy	Lead	Concrete
1 MeV	9.0	47.0
5 MeV	14.5	100.0

neutron energy and on the species and density of nuclei in the slab. The neutron-nucleus interaction is either a nuclear scattering process, in which the neutron transfers some of its energy to the resulting (charged) recoil nucleus, or a nuclear reaction which usually leads to the emission of charged particles or gamma rays. Thus the secondary particles resulting from neutron interactions in matter are often charged particles and these particles then interact with the matter as described in (a). Hydrogenous media such as wax, water or plastic are of particular interest because a neutron can lose any fraction (0-100%) of its kinetic energy in a



# Workers not helped on rights, says Sash

152 244 206 RDM 1979/80

By DIAGO SEGOLA

MANY black Johannesburg City Council workers, who lost their jobs in the strike recently, had been denied a better chance of stability and permanence, despite having worked for the council for a long-enough period to entitle them to legal status in the area.

The Black Sash said this yesterday in a report on the strike. It was compiled by Mrs Sheena Duncan, director of the Sash's Advice Office.

The report said men had also been denied the benefit of contributing to the Unemployment Insurance Fund "through lack of concern shown by their employers".

Several had been endorsed out of Johannesburg even though they had worked for the council for more than 10 years, and had lived in the same area for more than 15

The report cites cases of men who were sacked and sought advice from the Black Sash. Several were endorsed out though they had not been involved in the strike, or had wanted to continue working.

"Because the council did not help them to establish their rights under Section 10 (1) (b) of the Urban Areas Act after they had completed their 15 years' lawful residence, they have continued to be registered on annual contracts," said the report.

"It is a pity that council personnel workers have not spent time over the years helping workers to establish their rights so that they can escape from migrancy and the compounds and establish themselves in some sort of family stability."

The report also hit at the council's wage structure which, it said, because of the grading system, kept many workers "perpetually at the R33-a-week minimum even after 20 years or more in the council's employ".

"The council's wage structure for those who are not migrants, and those who are, is dictated by the plentiful supply of cheap labour and not by any other considerations."

The council increased the minimum wage from R30,36 to R33 last month.

The report also says migrant workers (about 12 500 of the council's 15 000 workers are migrants) must live in compounds and hostels "with no privacy".

"They may not bring their families with them to town. For many men, the hostels are 'home' for their entire working lives, and family is something they meet with once a year when they have to go back to attest a new contract."

The migrant labour system was largely responsible for the "unacceptable conditions of employment and low rates of pay exposed by the strike", the report said.

"The only way in which men who live in the overcrowded poverty-stricken Bantustans can obtain legal employment is to wait at the labour bureau in their home district until a requisition comes through from a labour bureau in the so-called white area."

"There are always more job-seekers than there are jobs offered. If a man is lucky enough to be offered work he attests a contract (usually for a year) with his unseen, unknown employer and only then may he proceed to town to take up the job."

"He is in no position to bargain for better pay before he signs the contract. If he tries to do so, the job is immediately offered to someone else."

Mr Jan Bosman, public relations officer for Wrab, said yesterday that annual contract workers operating on the "calling-card" system (they must return to their homelands each year to re-register) were not entitled to Section 10 rights.

He denied the Sash allegation that Wrab had seemed to be

acting as agents for the council.

"Wrab labour department officials were sent to the premises, instead of thousands of workers coming to the bureau. They went through the individual cases, registering those who wanted to remain employed, and endorsing out those those who did not."

"They acted strictly in accordance with the regulations."

"I do not want to comment on the tone of the allegation," said Mr Bosman.

Mr Francois Oberholzer, chairman of the Johannesburg City Council management committee, said the council had not helped workers to gain Section 10 rights because it was not the council's function.

"We don't help our white employees to apply for passports. Besides, every black person knows what his rights are under Section 10. Nobody needs to be told."

Commenting on the other Sash claim that the council was exploiting a plentiful supply of cheap migrant labour, he said "When our recruiting teams go to Transkei, they have to ask for police protection because they are mobbed by so many work-seekers eager to work for the council."

The council also says the Department of Manpower Utilisation has credited it with one of the best minimum wage levels in South Africa.

Mr Oberholzer doubted that any workers had not been permitted to join the UIF, but referred the Rand Daily Mail to the chairman of the Staff Board Mr J C de Villiers.

Mr de Villiers declined to comment.

Mr Oberholzer said department heads were already screening applications by sacked municipal strikers who wished to return to their jobs, and many were being re-employed.



# Black Sash praised

26/9/80  
ARLMS  
206

MR VELI WILLIE KOMANI, 58, today praised the Black Sash and the lawyers they had provided for his appeal which succeeded yesterday in Bloemfontein.

Mr Komani said it had been a victory not only for his family but also for other families affected by the residential laws.

He had not yet met his lawyers, who had been involved in the case since 1974, to discuss the question of obtaining a home. Until now, Mr Komani, his wife, Mrs Nonceba Mercy Meriba Komani and two daughters have been staying in a bungalow provided by his employers five years ago.

More reports page 9.



# THE MOST

Special  
report by  
Ryland  
Fisher

## CONVEYOR BELT COURT FOR PASS OFFENCES

C. RRRR20  
26/1/80  
206

NO other law holds more fear and hatred for the urban African than the South African pass laws. It stalks them 24 hours a day.

Every week hundreds of people appear in the Langga Commissioner's Court for pass offences, that is, for failing to produce a reference book or for being illegally in a certain area.

Last Thursday 22 people appeared before the magistrate in one hour, from 10 to 11 o'clock.

The average case lasted for about two or three minutes.

The only court officials were the white magistrate, the black prosecutor-cum-interpreter, with a few policemen standing around.

Conspicuous by their absence were the State witnesses. Not one of the Administration Board inspectors who had made the arrests were present.

As people entered and left the court like saucages on a conveyor belt, the magistrate spoke about the law, but to the people present, the law must seem very unjust and inhumane.

Here are three of them

● Gideon came from Butetworth and hoped to apply for permission to stay in the Cape Town area permanently, because his parents come from this area.

He was arrested for not being able to produce a reference book.

The magistrate did not agree that he should apply for permanent residence, because males only get permission on their father's qualification until they are 18.

He was fined R60 or sentenced to 60 days.

The case lasted for four minutes

● 'I'm on a visit from Saldanha, your worship.'

'Do you have rights to stay in Saldanha?'

'Yes, your worship, I have my book with me.'

Verdict: Cautioned, but warned to carry his reference book.

Three minutes.

● 'I worked for my boss illegally, your worship. When we quarrelled, I left and he told the inspectors to arrest me.'

Verdict: R30 or 30 days. Two minutes.

trawler to come, your worship

'Until then I am staying with family'

'Your family cannot give you permission to stay.'

Verdict: R60 or 60 days, suspended for 10 days.

'That does not mean we have given you permission to stay. You must formally apply for permission.'

Five minutes.

● 'I remained in Stikland for more than three days, because I was staying with friends, your worship.'

Cautioned. One minute.

### CASE THREE

Mrs C lived in Cape Town, where she was born, until her marriage in 1961 when she went with her husband to King William's Town.

When the marriage dissolved in 1969 she wanted to come back to Cape Town to be with her family.

She has lost the 'right' to live in this area. Periodic absence from the prescribed area could also cost someone the 'rights' to stay in that area.

### CASE FOUR

Mr T was born in Mount Freya in 1959.

He came to Cape Town in 1966 and attended school until 1972.

When his mother died he stayed with his grandmother.

In 1976 his grandmother gave up the house and went to live in Mount Freya.

She left Mr T behind to work in Cape Town to support her.

He has only been able to obtain a travel document, but no permit to live and work in Cape Town.

## Advice Office

## Casebook

## of human

## tragedies

She has had to live illegally in Cape Town ever since.

# LAWYER OF ALL

THE recent Appeal Court victory of Mr Veli Willie Komani of Guguletu to have his wife living with him 'legally' in Cape Town, has once again brought South Africa's hated pass laws into focus.

Yearly thousands of people are arrested by Administration Board officials for pass law and influx control offences.

In 1979, 119 950 people were arrested in the main urban areas, which include all the major cities; while in 1978, 224 308 people were arrested, according to statistics revealed by the Minister of Police, Mr Louis le Grange.

An African can live in a prescribed area if

● He was born in that place and has continued residence in that place (in terms of Section 10 (1) (a));

● He has worked for one 'legal' employer for 10 years;

● He has lived 'legally' in that place for 15 years (in terms of Section 10 (1) (b)).



● AN official checks documents beside an Administration Board van. This picture was taken on the Rand.

His pass can be endorsed and he can be sent back to the homelands

In reality, most of these people have never seen the 'homelands' they are supposed to come from

### Permit

Before the Komani case, men could bring wives to

stay with them only on a temporary visitor's permit.

However, many people stay on with their families illegally.

These 'illegals' will be affected by the outcome of the final interpretation of the eight-page judgment of the Komani case. The Appeal Court has

now ruled that the regulation which forces people to have lodger's permits to live in a room in a house in an African area is 'ultra vires'.

This means the regulation is not law because it makes demands which the Urban Areas Act does not allow

Several cases related to pass laws and influx control are handled daily by the Athlone Advice Office, run under the auspices of the Black Sash and the South African Institute of Race Relations.

### CASE ONE

Mr S has worked in Cape Town since he came from the homelands in 1939.

Although he married in 1944, he could not live with his wife because he was living in a single quarters.

Since 1965 he has been trying to get permission for her to stay with him 'legally' in Cape Town.

She has only been able to see him for short periods on a visitor's permit.

He has continuously been refused permission 'due to the acute housing shortage in the black townships in the Peninsula.'

Mr S has tried to move into a house in Guguletu, but he could not get permission to do so.

The Department of Community Development gave no reasons for this refusal.

### CASE TWO

Mrs M qualified under Section 10 (1) (a) to live in Cape Town because she was born here.

In 1966 she married a migrant worker working in Stellenbosch.

In 1967 she was endorsed out of Cape Town and told to go to Kentani, where her husband was born.



C. HERALD 20/9/80 (206)

...the wife and unmarried daughters or sons under 18 of people who qualify can stay in the area (in terms of Section 10 (1) (c).

### 'Rights'

However, these rights can be taken away by the Administration Board officials.

This can be done if he leaves the area for any period to live somewhere else, or if he has been sentenced to six months or fined R500 for any offence.



# Residential curbs on blacks illegal

ADM 20/9/80

206

206

206

By TONY STIRLING  
Chief Reporter

**THOUSANDS of wives and children barred from living with men legally resident in Soweto and other black townships will from now on be able to do so without restriction.**

This is the effect of a judgment in the Appeal Court in Bloemfontein yesterday. It declares ultra vires the regulation which requires anyone living in a black residential area to hold a lodger's permit or site and residential permit.

Mrs Sheena Duncan, director of the Black Sash Advice Office in Johannesburg, said last night "This is the most exciting news we've ever had. It could affect literally scores of thousands of people."

"The judgment actually makes nonsense of the whole house permit system. It means in effect that no permits will be required except by persons who are not entitled to residence under the law."

Mrs Duncan said she believed that up to half of the so-called "illegal" residents of Soweto could be affected by the judgment, delivered by the Chief Justice, Mr Justice Rumpff, with the concurrence of Mr Justice Corbett, Mr Justice Miller, Mr Justice Joubert and Mr Justice Calcutt (acting).

Judge of Appeal.

The critical passages of the judgment said the regulation requiring people living in the black residential areas to hold the permits was inconsistent with the intention of the legislature relating to people born in an area and who have resided there continuously.

Mr Justice Rumpff referred specifically to people living in black residential areas under Section 10 (1) (a) of the Blacks (Urban Areas) Consolidation Act, Act 25 of 1945.

Regulation 20 (1), proclaimed under the same Act, states "No person other than any holder of a site or residential permit shall reside in the black residential area unless he had first obtained a permit, hereinafter referred to as a lodger's permit."

The judgment said the literal words of the regulation were inconsistent with the intention of the legislature as contained in Act 25 of 1945, and sought to impose an unauthorised prohibition on people who were born in and had continuously resided in a black area.

The provision contained in Regulation 20 (1) that no person may reside in a black area without the permits referred to, was therefore ultra vires.

It had not been contended before the court that the regulation was valid insofar as it related to persons not qualifying under Section 10 (1) (a) in terms of residence, and invalid for those who did qualify in these terms.

Prima facie, the judgment said, there appeared to be no substance in such an argument.

Mrs Duncan said that by specifically declaring the regulation ultra vires, the judgment would affect the position of thousands of wives and children who have been unable to get permits to live in black townships with husbands and fathers.

Scores of thousands of these people — having been endorsed out of the black areas — were living illegally in Soweto and other townships.

Now they would be able to register with the employment authorities, seek passes and legally seek jobs, she said.

"It often happened that children were affected because their mothers did not possess the necessary qualifications to reside legally in the black townships where their husbands lived."

Mrs Duncan said she expected the Sash offices to be inundated.

To Page 2

Barrier  
to black  
family  
life  
falls

From Page

dated with inquiries from people seeking to legalise their position in the wake of the judgment

She warned that it would take several months to cut through administrative red tape to clarify the position of many of those affected, as documents such as birth certificates would have to be sought. The onus of proving a residential qualification still rested with the people affected by the regulation.

But she hoped that within a short period the Sash would be able to have the position of many affected wives legalised. Yesterday's judgment related to the case of Mrs Nonceba Meriba Komani, of Guguletu, near Cape Town.

Her husband, Mr Veli Willie Komani, appealed after Mr Justice P Schock, in November 1978, dismissed his case contesting the ruling of the Peninsula Administration Board that his wife did not have the legal right to live in the black residential area where he resided.

The Appeal Court ruled that Mrs Komani was entitled to live in the area by virtue of the provisions of Section 10 (1) (c) of the Blacks (Urban Areas) Consolidation Act. This is the section of the Act giving right of residence to the wife, or daughter or son under 18, of a legal resident.

Mrs Komani entered a prescribed area in May 1974 and remained there under permit until January 1975.

In March 1975, the Administration Board was called on to concede that Mrs Komani was entitled to remain by virtue of the provisions of Section 10 (1) (c).

Mrs Duncan said the judgment also appeared to affect the position of people living in the townships by virtue of a work or residential qualification under section 10 (1) (b) — 10 years in the service of one employer or continuous residence for 15 years.

"But I would like time to study this to clarify it, as no specific mention was made of persons falling under this section," she said.

✓ may not go  
they will be  
conflict between  
labour unions  
- to allow  
- or to be  
implies  
The post sys  
allow blacks  
employments

In the long  
to be subjected  
to blacks  
on the mines  
trade unions  
of black wage  
improved condi  
need a South

increased training, because  
need labour. The goal  
development and migration  
needs to change in  
area in urban white areas  
completely from the centres.  
labour supply  
to make more efficient to  
their previous  
from the homelands.

good conflict will have  
need in industries and  
be able to form  
ensure the putting up  
competitive levels and  
blocks. The blocks just  
labour market controls.

all parts part reasonably  
agreed



# Urban rights ruling: Soweto homes backlog set to double

By STEVEN FRIEDMAN  
Labour Reporter

SOWETO's official housing backlog of 33 000 homes could double "overnight" as a result of this week's historic Appeal Court ruling which legalises the position of wives and children of men qualified to live in urban areas

This is the forecast of Mrs Sheena Duncan of the Black Sash

And she said yesterday that the judgment has also posed the Minister of Co-operation and Development, Dr Piet Koornhof, with one of his most crucial policy dilemmas

Another implication of the judgment is that administration board finances could be dented by the removal of a form of "concealed rent" which some holders of lodgers' permits have had to pay

Mrs Duncan believes the number of people affected by the judgment could run into hundreds of thousands — almost half the estimated 700 000 people living "illegally" in Soweto could benefit

But she has warned that peo-

How Appeal ruling saves the "Illegals" — Page 2  
Editorial Comment — Page 14

ple who benefit from the judgment must take steps to safeguard their new rights

This week, the Appellate Division ruled invalid a regulation requiring anyone living in a black residential area to have a valid lodger's permit, or site or residential permit

In effect, the ruling has enabled scores of thousands of people living "illegally" without permits in the townships to claim the right to live and work in the cities under Section 10(1) (c) of the Black Urban Areas Act

Mrs Duncan warned, however, that township residents who qualified to benefit from the judgment would run the risk of arrest if they did not take steps to legalise their position

One way in which they could do this would be to demand that officials stamped their reference books to show they had

10(1) (c) rights

She urged formerly "illegal" township residents whose husbands or fathers had residential rights to seek help if they were not clear on what steps to take

The ruling applies only, however, to wives and children of men who are qualified to live and work in the cities

Mrs Duncan pointed out, however, that the official housing backlog would now double. Many men had been kept off the official waiting list for housing because their wives did not hold lodgers' permits, and they would now be free to apply

Soweto's planning chief, Mr Louis Rive, said this week that the official backlog now stood at 33 000 houses

The ruling had also posed Dr Koornhof with a "crucial policy dilemma", Mrs Duncan said

If the Government accepted

the ruling, it would have to lay on far more accommodation and facilities in townships such as Soweto to cope with the greatly increased legal and permanent township population

If, however, it decided to frame new regulations in order to close the "loophole" posed by the judgment, "Dr Koornhof's claims to hate the pass laws and to have declared war on the pass system will finally be stripped of all credibility"

The judgment would also pose financial problems for the boards and result in an effective rent decrease for many householders

Many township dwellers living in their parents' homes have been paying a R1 a month fee for a lodgers' permit — raising rents for some householders by up to R5 a month

This would now have to fall away

© Rand Daily Mail Political Correspondent HELEN ZILLE reports that Dr Koornhof said yesterday he would give the judgment urgent study before commenting on its implications



By STEVEN FRIEDMAN  
Labour Reporter

HIS week's ground-breaking appeal Court judgment on black residential rights enables scores of thousands of urban blacks "illegals" in danger of being endorsed out to the rural areas to legalise their position.

Another crucial effect is that it allows by administration board officials on township homes have lost an important legal justification.

This is the verdict of the Black Sash and lawyers who presented the case on behalf of Mrs Nonceba Komani.

But people who benefit from the ruling will still be faced with the possibility of arrest if they do not take steps to enforce their rights, and the Black Sash has advised them to act to ensure their position is legalised.

The Sash estimates that the number of people affected would run into hundreds of thousands.

It stresses, however, that the ruling "must be seen as an improvement within an existing system of control, which 'manages'."

A maze of regulations still prevented millions of blacks from living and working in the urban areas.

In upholding Mrs Komani's right to remain in a Cape urban area, the court ruled that a regulation which requires anyone living in a black residential area to have a lodger's permit, site or residential permit, as *ultra vires* and therefore invalid.

# How appeal ruling saves the 'illegals'

## Now the Black Sash will be able to help

By TONY STIRLING  
Chief Reporter

Mrs Sheena Duncan, director of the Black Sash Advice office, said yesterday that it would take time to ascertain the full implications of the judgment. The Sash is to meet lawyers shortly in an attempt to do this.

However, the most immediate effect is that the wives, unmarried daughters and children (under the age of 18) of men qualified to live in the urban areas may now live in the cities without a lodger's permit.

The Black Urban Areas Act lays down a number of conditions under which blacks can live in the cities.

Under Section 10(1) (a), they must have been born in an urban area and have lived there continuously. Under 10(1) (b), they must have worked continuously in an urban area for not less than 10 years or have lived there legally and continuously for 15 years.

This did not mean, however, that the wives and children of people who qualify under this Section were entitled to live with them in the urban areas.

For them, the important section is 10(1) (c), which allows the wife, unmarried daughter or son (under 18) of a qualified person to live in an urban area provided they are "ordinarily resident" with their qualified husband or father and have en-

tered the area legally. Until this week, both the courts and the administration boards interpreted "ordinarily resident" to mean that a wife or child must have a valid lodger's permit issued by the township superintendent.

This interpretation was based on Regulation 20(1) of a 1968 order governing black resi-

dent areas which forbids any person other than a permit holder to live in the urban areas.

This meant that scores of thousands of urban blacks who might otherwise be entitled to live in the cities were not allowed these rights because they had not been granted a permit.

However, the Appellate Division has now ruled that this regulation is invalid and has effectively ended the lodger's permit system. The term "ordinarily resident" no longer depends on a permit and is now confined to its common meaning.

Now, any person whose husband or father is qualified in terms of Section 10 and who is living "illegally" in a black township can legalise his or her position.

Not only may such people live in the cities — they can work in them, too, according to Mrs Duncan, because other regulations lay down that blacks who are entitled to live in the urban areas are automatically entitled to work in them.

In effect, scores of thousands of people can now claim Section 10(1) (c) rights which have been denied them. As the permits no longer have legal standing, officials will no longer be entitled to raid in search of people without these documents. Mrs Duncan warned, however, that the judgment would not necessarily stop arrests of resi-

dent areas which forbids any person other than a permit holder to live in the urban areas.

This meant that scores of thousands of urban blacks who might otherwise be entitled to live in the cities were not allowed these rights because they had not been granted a permit.

However, the Appellate Division has now ruled that this regulation is invalid and has effectively ended the lodger's permit system. The term "ordinarily resident" no longer depends on a permit and is now confined to its common meaning.

Now, any person whose husband or father is qualified in terms of Section 10 and who is living "illegally" in a black township can legalise his or her position.

Not only may such people live in the cities — they can work in them, too, according to Mrs Duncan, because other regulations lay down that blacks who are entitled to live in the urban areas are automatically entitled to work in them.

In effect, scores of thousands of people can now claim Section 10(1) (c) rights which have been denied them. As the permits no longer have legal standing, officials will no longer be entitled to raid in search of people without these documents. Mrs Duncan warned, however, that the judgment would not necessarily stop arrests of resi-

dent areas which forbids any person other than a permit holder to live in the urban areas.

This meant that scores of thousands of urban blacks who might otherwise be entitled to live in the cities were not allowed these rights because they had not been granted a permit.

However, the Appellate Division has now ruled that this regulation is invalid and has effectively ended the lodger's permit system. The term "ordinarily resident" no longer depends on a permit and is now confined to its common meaning.

Now, any person whose husband or father is qualified in terms of Section 10 and who is living "illegally" in a black township can legalise his or her position.

Not only may such people live in the cities — they can work in them, too, according to Mrs Duncan, because other regulations lay down that blacks who are entitled to live in the urban areas are automatically entitled to work in them.

In effect, scores of thousands of people can now claim Section 10(1) (c) rights which have been denied them. As the permits no longer have legal standing, officials will no longer be entitled to raid in search of people without these documents. Mrs Duncan warned, however, that the judgment would not necessarily stop arrests of resi-

dent areas which forbids any person other than a permit holder to live in the urban areas.

This meant that scores of thousands of urban blacks who might otherwise be entitled to live in the cities were not allowed these rights because they had not been granted a permit.

However, the Appellate Division has now ruled that this regulation is invalid and has effectively ended the lodger's permit system. The term "ordinarily resident" no longer depends on a permit and is now confined to its common meaning.

Now, any person whose husband or father is qualified in terms of Section 10 and who is living "illegally" in a black township can legalise his or her position.

Not only may such people live in the cities — they can work in them, too, according to Mrs Duncan, because other regulations lay down that blacks who are entitled to live in the urban areas are automatically entitled to work in them.

In effect, scores of thousands of people can now claim Section 10(1) (c) rights which have been denied them. As the permits no longer have legal standing, officials will no longer be entitled to raid in search of people without these documents. Mrs Duncan warned, however, that the judgment would not necessarily stop arrests of resi-

dent areas which forbids any person other than a permit holder to live in the urban areas.

This meant that scores of thousands of urban blacks who might otherwise be entitled to live in the cities were not allowed these rights because they had not been granted a permit.

However, the Appellate Division has now ruled that this regulation is invalid and has effectively ended the lodger's permit system. The term "ordinarily resident" no longer depends on a permit and is now confined to its common meaning.

Now, any person whose husband or father is qualified in terms of Section 10 and who is living "illegally" in a black township can legalise his or her position.

Not only may such people live in the cities — they can work in them, too, according to Mrs Duncan, because other regulations lay down that blacks who are entitled to live in the urban areas are automatically entitled to work in them.

In effect, scores of thousands of people can now claim Section 10(1) (c) rights which have been denied them. As the permits no longer have legal standing, officials will no longer be entitled to raid in search of people without these documents. Mrs Duncan warned, however, that the judgment would not necessarily stop arrests of resi-

dent areas which forbids any person other than a permit holder to live in the urban areas.

This meant that scores of thousands of urban blacks who might otherwise be entitled to live in the cities were not allowed these rights because they had not been granted a permit.

However, the Appellate Division has now ruled that this regulation is invalid and has effectively ended the lodger's permit system. The term "ordinarily resident" no longer depends on a permit and is now confined to its common meaning.

Now, any person whose husband or father is qualified in terms of Section 10 and who is living "illegally" in a black township can legalise his or her position.

Not only may such people live in the cities — they can work in them, too, according to Mrs Duncan, because other regulations lay down that blacks who are entitled to live in the urban areas are automatically entitled to work in them.

In effect, scores of thousands of people can now claim Section 10(1) (c) rights which have been denied them. As the permits no longer have legal standing, officials will no longer be entitled to raid in search of people without these documents. Mrs Duncan warned, however, that the judgment would not necessarily stop arrests of resi-

dent areas which forbids any person other than a permit holder to live in the urban areas.

This meant that scores of thousands of urban blacks who might otherwise be entitled to live in the cities were not allowed these rights because they had not been granted a permit.

However, the Appellate Division has now ruled that this regulation is invalid and has effectively ended the lodger's permit system. The term "ordinarily resident" no longer depends on a permit and is now confined to its common meaning.

Now, any person whose husband or father is qualified in terms of Section 10 and who is living "illegally" in a black township can legalise his or her position.

Not only may such people live in the cities — they can work in them, too, according to Mrs Duncan, because other regulations lay down that blacks who are entitled to live in the urban areas are automatically entitled to work in them.

In effect, scores of thousands of people can now claim Section 10(1) (c) rights which have been denied them. As the permits no longer have legal standing, officials will no longer be entitled to raid in search of people without these documents. Mrs Duncan warned, however, that the judgment would not necessarily stop arrests of resi-

dent areas which forbids any person other than a permit holder to live in the urban areas.

This meant that scores of thousands of urban blacks who might otherwise be entitled to live in the cities were not allowed these rights because they had not been granted a permit.

However, the Appellate Division has now ruled that this regulation is invalid and has effectively ended the lodger's permit system. The term "ordinarily resident" no longer depends on a permit and is now confined to its common meaning.

Now, any person whose husband or father is qualified in terms of Section 10 and who is living "illegally" in a black township can legalise his or her position.

Not only may such people live in the cities — they can work in them, too, according to Mrs Duncan, because other regulations lay down that blacks who are entitled to live in the urban areas are automatically entitled to work in them.

In effect, scores of thousands of people can now claim Section 10(1) (c) rights which have been denied them. As the permits no longer have legal standing, officials will no longer be entitled to raid in search of people without these documents. Mrs Duncan warned, however, that the judgment would not necessarily stop arrests of resi-

dent areas which forbids any person other than a permit holder to live in the urban areas.

This meant that scores of thousands of urban blacks who might otherwise be entitled to live in the cities were not allowed these rights because they had not been granted a permit.

However, the Appellate Division has now ruled that this regulation is invalid and has effectively ended the lodger's permit system. The term "ordinarily resident" no longer depends on a permit and is now confined to its common meaning.

Now, any person whose husband or father is qualified in terms of Section 10 and who is living "illegally" in a black township can legalise his or her position.

Not only may such people live in the cities — they can work in them, too, according to Mrs Duncan, because other regulations lay down that blacks who are entitled to live in the urban areas are automatically entitled to work in them.

In effect, scores of thousands of people can now claim Section 10(1) (c) rights which have been denied them. As the permits no longer have legal standing, officials will no longer be entitled to raid in search of people without these documents. Mrs Duncan warned, however, that the judgment would not necessarily stop arrests of resi-

dent areas which forbids any person other than a permit holder to live in the urban areas.

This meant that scores of thousands of urban blacks who might otherwise be entitled to live in the cities were not allowed these rights because they had not been granted a permit.

However, the Appellate Division has now ruled that this regulation is invalid and has effectively ended the lodger's permit system. The term "ordinarily resident" no longer depends on a permit and is now confined to its common meaning.

Now, any person whose husband or father is qualified in terms of Section 10 and who is living "illegally" in a black township can legalise his or her position.

Not only may such people live in the cities — they can work in them, too, according to Mrs Duncan, because other regulations lay down that blacks who are entitled to live in the urban areas are automatically entitled to work in them.

In effect, scores of thousands of people can now claim Section 10(1) (c) rights which have been denied them. As the permits no longer have legal standing, officials will no longer be entitled to raid in search of people without these documents. Mrs Duncan warned, however, that the judgment would not necessarily stop arrests of resi-

dent areas which forbids any person other than a permit holder to live in the urban areas.

This meant that scores of thousands of urban blacks who might otherwise be entitled to live in the cities were not allowed these rights because they had not been granted a permit.

However, the Appellate Division has now ruled that this regulation is invalid and has effectively ended the lodger's permit system. The term "ordinarily resident" no longer depends on a permit and is now confined to its common meaning.

Now, any person whose husband or father is qualified in terms of Section 10 and who is living "illegally" in a black township can legalise his or her position.

Not only may such people live in the cities — they can work in them, too, according to Mrs Duncan, because other regulations lay down that blacks who are entitled to live in the urban areas are automatically entitled to work in them.

In effect, scores of thousands of people can now claim Section 10(1) (c) rights which have been denied them. As the permits no longer have legal standing, officials will no longer be entitled to raid in search of people without these documents. Mrs Duncan warned, however, that the judgment would not necessarily stop arrests of resi-



# Influx control 'a cause of rural poverty'

Staff Reportert

THE Government's influx control policy and the existing "grossly unequal" land allocation are the main causes of rural poverty, says an academic of the University of the Witwatersrand

In the latest issue of *Realty*, a journal of "liberal and radical opinion", Mr Tom Lodge, senior lecturer in political science, said the "puny efforts" in homeland job-creation schemes and State-sponsored rural development programmes were little more than "propaganda exercises".

He called for the total scrapping of all influx control legislation and a radical redistribution of land as the only solution to the mounting rural poverty

"The wealth of South Africa's white, and largely urban, society is at least partly based on massive social injustice in the countryside — historically it involved capital accumulation at the expense of the rural poor," he said

Any reforms to land distribution in the poverty-stricken rural population's favour would involve a drastic reduction in the "grotesque" levels of consumption among members of South Africa's dominant white class

Mr Lodge said the total removal of influx control laws would provide powerful stimuli for an improvement in the lives of the rural poor

Although a massive and uncontrolled swelling of South Africa's urban population would bring with it considerable social distress, it would

also present very powerful pressures favouring a massive increase in wages, vast expansion of housing, and heavy progressive taxation

"Of course this would involve considerable costs. At present white urban populations are provided with services which compare favourably with those existing anywhere else in the world at rates which are derisively cheap," he said.

Further points made in the article were.

- Even with the removal of influx control, land reform was imperative, especially if African farmers were expected to produce the surpluses necessary for their own security and investment in improved technique.

- South African industry was increasingly capital-intensive and without the political protection they at present received from the State, white employers — forced to pay higher wages — would be induced to cut down on their labour requirements.

- At present white farmers were still able to employ "political muscle" to gain State protective measures — these were crucial to their success in competing with black peasants in the past, but today they might begin to be "socially costly luxuries" farmers could well do without, and,

- In the short term, the shortage of skills and investment capital, social tension, sabotage and war-time disruption would make simpler forms of agricultural production the most sensible to adopt



# Govt blamed for rural poverty

NM 22/9/80

206

## Mercury Correspondent

JOHANNESBURG—The Government's influx control policy and the existing 'grossly unequal' land allocation are the main causes of rural poverty, says a senior lecturer at the University of the Witwatersrand.

In the latest issue of *Reality*, a journal of 'liberal and radical opinion', Mr Tom Lodge, lecturer in political science, said the 'puny efforts' in homeland job-creation schemes and State-sponsored rural development programmes were little more than 'propaganda exercises'.

## Redistribution

He called for the total scrapping of all influx control legislation and a radical redistribution of land as the only solution to mounting rural poverty.

'The wealth of South Africa's white and largely urban society is at least partly based on massive social injustice in the countryside —

historically it involved capital accumulation at the expense of the rural poor,' he said.

Any reforms to land distribution would involve a drastic reduction in the 'grotesque' levels of consumption among white South Africans.

Mr Lodge said the total removal of influx control laws would provide powerful stimulus for an improvement in the lives of the rural poor.

## Distress

Although a massive and uncontrolled swelling of South Africa's urban population would bring with it considerable social distress, it would also present very powerful pressures for a massive increase in wages, vast expansion of housing and heavy progressive taxation.

'Of course this would involve considerable cost. At present white urban populations are provided with services which compare favourably with those existing anywhere else in the world at rates which are derisively cheap,' he said.

# Boards won't act on resident ruling yet

By MARIKA SBOROS

THE East and West Rand administration boards say they will wait for new instructions from the Government before they act on the Appeal Court decision which legalises the residential position of wives and children of blacks entitled to live in urban areas

This was confirmed yesterday by spokesmen for both boards, which between them control the lives of the majority of blacks on the Witwatersrand

Mrs Helen Suzman, Progressive Federal Party MP for Houghton called on the Minister of Co-operation and Development, Dr Piet Koornhof, to issue these instructions as soon as possible

"Otherwise I see tremendous confusion, with officials doing their own thing, and expectations among black people that they will now be able to lead normal family lives being quashed, with much subsequent ill-feeling," Mrs Suzman said

Mrs Suzman said Dr Koornhof should welcome the Appeal Court decision in the light of the utterances he made overseas last year

But legal sources believe the

courts can force the boards to recognise these newly-defined rights, and the Wrab and Erab statements have raised the possibility of new court action to enforce residents' rights

The court ruled that a regulation which requires anyone living in a black residential area to have a lodger s, site or residential permit was invalid

However, yesterday both Wrab and Erab said they were not prepared to stamp these residents' reference books to indicate that they now held 10(1)(c) rights until they received instructions

Mrs Suzman and Mrs Sheena Duncan, director of the Black Sash advice office, appealed to blacks who believed they now qualified under the new ruling to "allow the issue to be clarified" before approaching board officials for authorisation

Legal sources said yesterday that blacks who qualified under the new ruling — the Black Sash estimates that the number runs to hundreds of thousands — could immediately ask the Supreme Court to compel board officials to give them the endorsement

The Black Sash described yesterday just how blacks try-

ing to gain their new rights should go about it

Any man who wishes to have his wife and children living with him must have either a 10(1)(a) or (b) endorsement in his reference book

If he does not have either of these endorsements he should go to the pass office in his area and ask for it to be put in his reference book

He is entitled to 10(1)(a) endorsement if he has lived continuously in one town since he was born

If he has been living lawfully in one town for 15 years, or if he has worked in registered employment for one employer in one place for 10 full years he is entitled to 10(1)(b) endorsement

When he has this endorsement he should then take his wife with their marriage certificate, and children with their birth certificates to the administration board in their area to ask for a 10(1)(c) endorsement

This will be put in his family members' pass books and in the case of children under 16, the endorsement will be stamped on the back of their birth certificates



206 BWA  
Kooornhof's warning RDM 23/9/80.

Staff Reporter

THE Minister of Co-operation and Development, Dr Piet Kooornhof, has warned that the decision of the Appeal Court on the status of a wife of a man living in a township may not apply to all blacks

Dr Kooornhof was reacting to speculation that the effect of the judgment would be that thousands of wives and children barred from living in black ur-

ban townships will be able to move in with their husbands and fathers without restriction

"It appears that the Appeal Court ruled certain regulations to be ultra vires — a matter on which I cannot comment without prior perusal of the full judgment

"I wish to make it clear, however, that it would be completely wrong to make general statements on influx control when the judgment rests on the

facts pertaining to a particular person, which facts obviously cannot apply to all wives and children of men contemplated in Section 10 (1) (a) or (b) of the Act

"It would be completely wrong to infer that a large scale influx of wives and children of men contemplated in Section 10 (1) (a) or (b) will now be possible as each case will have to be judged on the facts concerned

**'No free  
movement  
for blacks'  
Buthelezi**

Mercury Reporter

THE Chief Minister of KwaZulu, Chief Gatsha Buthelezi, says influx control regulations have not yet been repealed.

Replying to a query from the Mercury he said yesterday that blacks did not have free movement

'The Western Cape is completely closed to Zulus,' he pointed out 'Dr Koornhof, Minister of Co-Operation and Development, has confirmed this.'

He said a side-effect of the ban on free movement was that blacks had to spend large sums of money on transport. They were often 'fleeced' by officials who wanted bribes.

'In certain areas like Richards Bay it is almost impossible — if you come from districts like Mahlabatini or Mandini — to get a job,' Chief Buthelezi said



206  
Sash to  
back  
ROM 25/9/80

# urban rights test case

By SIMON WILLSON

BLACKS who are still refused the right to live with their families, despite the decision last week outlawing the regulation which made their living together illegal, will now be advised by the Black Sash to go to the Supreme Court

The Black Sash wants the Supreme Court to set a precedent for the estimated thousands of families who lived together illegally because of Regulation 20(1) of the Urban Areas Consolidation Act

The regulation required anyone living in a black residential area to hold a lodger's permit, or site and residential permit. It was declared *ultra vires* (that is, exceeding the powers and authority of the Urban Areas Act) by the Appeal Court in Bloemfontein last week

"We will now advise anyone coming to us for help to apply for a 10(1)(c) (endorsement of right to live in a black area) in the normal way. Immediately they are refused, we will refer them, through attorneys, to the Supreme Court," Mrs Sheena Duncan, director of the Black Sash Advice Office, said yesterday.

"After the Appeal Court judgment, people seeking 10(1)(c) now have the right to seek a declaration of rights from the Supreme Court, and an order compelling the relevant administration board to enter a 10(1)(c) endorsement in their reference books.

"What we are uncertain about is whether you can get a judgment to affect a whole class of people, not just one."

In a statement on Friday the Minister of Co-operation and Development, Dr Piet Koornhof, said the Appeal Court's judgment was based on facts from one case affecting one family living near Cape Town

"It would be wrong to make general statements on influx control when the judgment rests on facts pertaining to a particular person."

Legal sources said yesterday that if a black seeking residence rights by means of a 10(1)(c) qualification took the case to the Supreme Court, the judgment applied for would be a *mandamus* — an application to the court

enter in (c) status in the reference book

But other legal sources said the question raised by Dr Koornhof would still apply. Would it be possible to bring a Supreme Court action on behalf of all people affected by Regulation 20(1), or would separate actions have to be brought by individuals?

Professor John Dugard, professor of law at the University of the Witwatersrand and director of the Centre of Applied Legal Studies, said administration boards could not be expected to abandon existing policies until the judgment had been studied. But the significance of the judgment extended beyond the case of the Cape Town family

It is impossible to confine the effects of removing the regulation to one person, because the court has ruled the whole regulation to be invalid — so it obviously affects more than one. Generally, when a regulation is declared *ultra vires*, it has implications going beyond one particular case

He added that a black person taking a 10(1)(c) case to the Supreme Court would only need one *mandamus* to establish the principle, and carry the case, for all the people affected by the outlawed Regulation 20(1)

**DR Piet Koornhof's attempt to end the pass laws has been foiled again.**

Officials of the Central Transvaal Administration Board in Pretoria are using a new 'charge sheet' to 'endorse' blacks out of the city despite Dr Koornhof's announcement in February that the so-called "72-hour" regulations would be experimentally lifted in Pretoria and Bloemfontein.

The use of the new charge sheet has been confirmed by the chief director of the board, Mr C H Kotze.

According to the charge sheet blacks thought to be illegally in Pretoria are no longer charged under the "72-hour" regulations, but in terms of alternative legislation.

Professor Jan van Rooyen, head of the department of criminal and procedural law at the University of South Africa, this week slammed the new charge sheet as extremely vague.

"I cannot see how — with a charge sheet of this nature — substantial justice can be done to the run-of-the-mill accused in the Commissioner's Court," he added.



Mr Kotze confirmed that the new charge sheet was being used to prosecute blacks thought to be illegally in Pretoria after a senior official of his board had given the Sunday Times one of the new documents.

The official, who does not want to be identified, supplied the document and other information to support his claim that certain "practices which contravene the law" and "loopholes in the law" are being used to get round the suspension of the 72-hour regulations.

Mr Kotze responded "There are no loopholes. People misunderstand the suspension of the 72-hour rule."

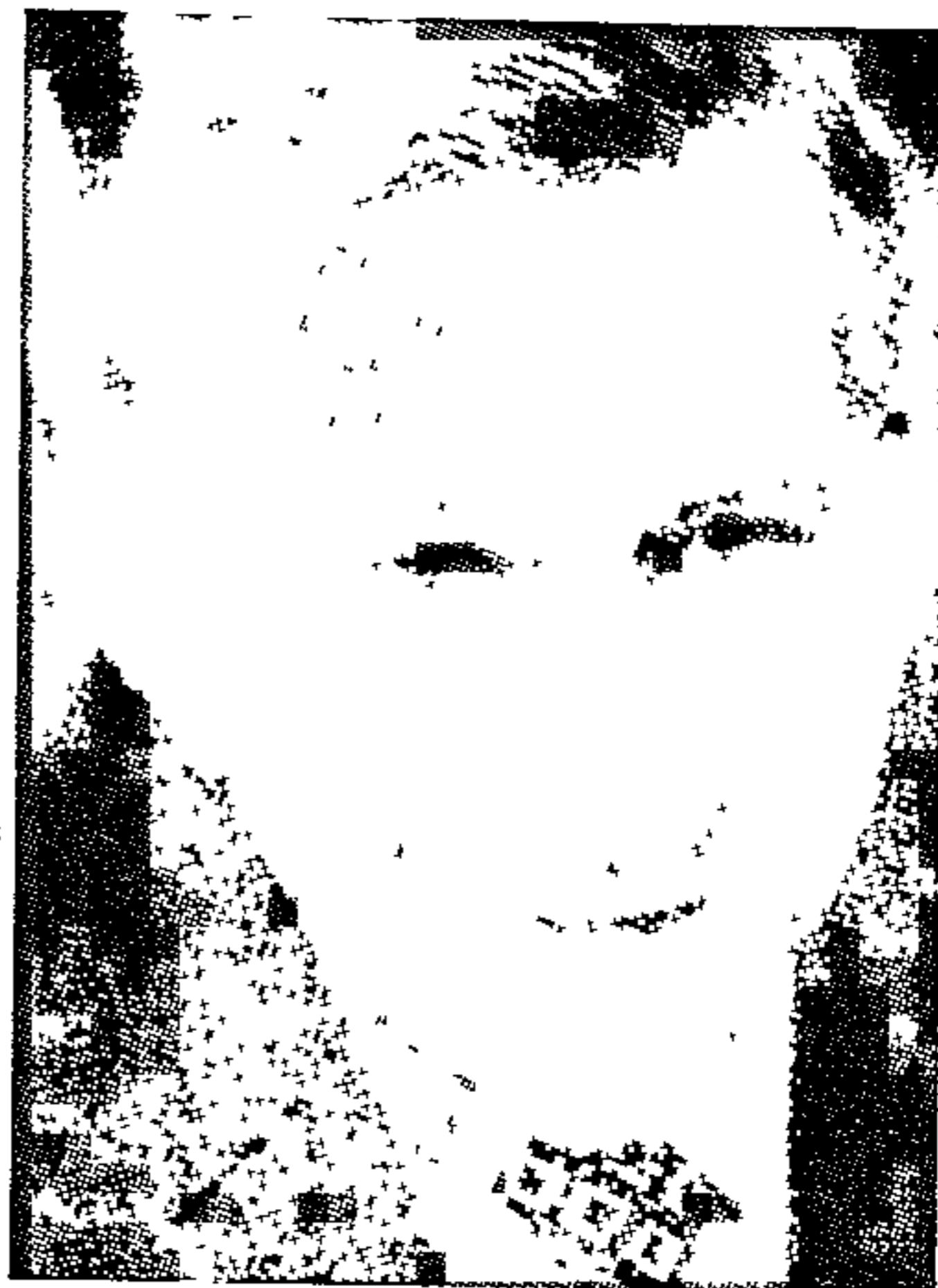
"This does not mean that there is no influx control and that any black is allowed to be in Pretoria illegally and without permission of the labour bureau."

"Those who are here for longer than 72 hours must get permission, and those without permission will be sent to our aid centre. But I don't want to comment further," Mr Kotze said.

Professor Van Rooyen said

# Dr K foiled again by the

# new pass laws



Dr Piet Koornhof — upset public servants

Sunday Times 28/9/80 (206)

By NEIL HOOPER

this week that the continued prosecution of black pass offenders under alternative legislation after the suspension of "72-hour" prosecutions seemed a prime example of the "tortoise" remark made by Dr Koornhof earlier this year.

(In July Dr Koornhof upset public servants when he compared the public service to a tortoise, which he said crawls slowly, but if pushed it stops altogether.)

## System

"Many of these civil servants, including those implementing the pass laws, were appointed to their positions under another system, and either do not understand the changes that have been made, or don't want to implement them," Professor Van Rooyen said.

He referred to a Supreme Court ruling in 1974 that the phrase to "produce on demand" merely required the holder of a reference book to produce it within a reasonable time.

"The newspapers at the time reported another 'tortoise situation' quoting a Pretoria police district commandant stating that he disagreed with the Supreme Court ruling, saying 'As far as I am concerned being in possession of a pass means carrying it, and all Africans should do so for their own good,'" Professor Van Rooyen said.

In terms of Article 10 of the

Blacks (Urban Areas) Consolidation Act of 1945, no black person is entitled to remain in a prescribed area for more than 72 hours unless he or she has a permit to live or work there, and any black contravening this regulation can be fined R100 or sentenced to up to three months' imprisonment, or both.

In the new charge sheet blacks illegally in Pretoria are charged with contravening Regulation 33(e) of Chapter VIII of Government Notice 1892 of December 12, 1965, as amended, read in conjunction with Article 31 of Act 67 of 1964.

Commenting, Professor Van Rooyen said "The charge sheet is a bare skeleton containing no substantive legal principles."



"It would take a competent attorney, let alone an undefended accused, a substantial amount of time and energy to discover precisely what the actual content of the charge is."

"I cannot see how — with a charge sheet of this nature — substantial justice can be done to the run-of-the-mill accused

in the Commissioner's Court."

The official who gave the charge sheet to the Sunday Times said that the aid centres had been created to sort out the pass problems of blacks and to prevent their appearing needlessly in court.

But the legislation invoked in the new charge sheet was having precisely the reverse effect, he said.

He said that since Dr Koornhof announced the suspension of the 72-hour regulations, the number of blacks sent to the aid centre in Pretoria had risen from an average of about eight to about 50 a day.

This only dropped off three weeks ago after the Sunday Times reported the resignation of Mr A R Klein, prosecutor at the Pretoria Commissioner's Court, who told the commissioner "I am not prepared to apply apartheid under the guise of justice."

## Onslaught

Professor Van Rooyen said that the Viljoen Commission into Penal Reform had recommended in 1976 that influx control should be depenalised, and said that this was even more important now.

"In the light of the total onslaught against South Africa, the traditional approach to influx control must be seen as a strong factor favouring our enemies."

"If our answer to the total onslaught is a total strategy of survival, one of the first things we will have to demolish is the system on influx control worked in the Commissioners Courts."



# 'Illegal

21/9/70 ARGUS

## 'influx'

(206)

## alleged

### MINUTES

Because of

### OPEN DAY

- 1.1 B Argus Correspondent  
t JOHANNESBURG — Residents in Johannesburg's Mayfair have formed an action committee to fight 'the illegal influx' of coloured and Indian people into their suburb. The chairman of the committee, the Rev Johan Krige of the NGK (Fordsburg), said residents objected strongly to the 'unhappy development'. Representations were being made to stop the influx, and the committee hoped to see the new Minister of Community Development, Mr Pierre Cronje, soon.
- 1.2 C Mr Krige said Mayfair had always been a white area and there could be no harmony of the races mixed. The committee was concerned that Indians were being sold houses by whites.
- 1.3 It was investigating this, and would submit a report to the Department of Community Development soon. The MP for the area, Mr Roelf Meyer (NP) is helping the committee to make its representations.

### 1.4 Funds

The dynamics and mechanics of accepting commissions must be carefully gone into (and the small print read) to prevent conflict arising in undertaking anything that might be incompatible with SACHED's original aims. We must avoid being placed in a position where -

- (i) funds are withdrawn because the sponsors' wishes/conditions are not fulfilled;
- (ii) we become dependent on an annual income. In this regard, it was suggested SACHED obtains sponsorships for specific projects.

In principle there are no objections to accepting funds from companies. However, because of Cape Town's insularity, we would have to square ourselves with the community, who may well have specific objections to such acceptance of funds. The banner on the front page of Learning Post stating the funding thereof was an example of what would be unacceptable in Cape Town and could seriously prejudice SACHED's Cape Town centre.

We should bear in mind that because of the present law on fund-raising it is necessary to enter into a contract with any funding agency. Raymond Tucker

There has been no success with attempting to raise funds from organisations, rather than companies.

IN CAPE TOWN, ... 12 MAY 1980

The following morning we started the proceedings

the difficulty of receiving commissions, as stated by trustees to:

open to people who might wish to take advantage of who do not know about it;

idea of possible commissions (such as the UNISA and the African Studies Course for the

use funds locally for projects such as the which cannot support themselves.

atters

policy matter, should be discussed and decided at meeting. However, Johannesburg proceeded to work on a 'local' basis with only slides/tapes for urban. They realised the implications of this and contacted their plans. The 30-odd companies contacted were, mostly, signatories to the letters. Invitations will be sent out by May 15.

contacts on the open day, and in other ways, it is production's department financially independent. A qualified printer has been employed. SACHED will need new premises on a ground floor and some new machinery.



Section 29 of the Black (Urban Areas) Consolidation Act permits a police officer to arrest without warrant in an urban area any African whom he "has reason to believe" is "an idle or undesirable person" and to bring him before a Black Affairs Commissioner, who "shall require such Bantu to give a good and satisfactory account of himself." After an administrative inquiry the

commissioner may declare the African "idle" if he is habitually unemployed, or "undesireable" if he has been convicted previously of certain offences — and order him to be sent to his homeland, a rehabilitation centre or to a farm colony for a period not exceeding two years. Jack Leputu was arrested for alleged contravention of this act. This is his story. . . .



A police officer could arrest any person in this crowd whom he had "reason to believe" was "idle or undesirable."

By Josie Brouard

On September 9, Charlie Leputu (59) saw his son Jack (19) for the first time in 18 days — in a court dock, an alleged criminal under Section 29 of the Blacks (Urban Areas) Consolidation Act

On August 21, his son disappeared into the blue — and Charlie worried. Then, a few days later, at a local burial society meeting, Charlie heard his son had been arrested

Nobody was sure what for. Jack had a reference book, but was not a registered employee or work-seeker. It was probably a "passbook" offence, Charlie suspected

Two weeks and one day later, on Friday September 5, Charlie traced his son to Modder B prison, Benoni, and his missivings were confirmed. His son was under arrest, accused of vagrancy under Section 29

Charlie was not sure what being a vagrant implied, but went to Modder B to try and see Jack, to find out if his son would get out, whether he was guilty of a crime

**Anxious**

Charlie did not find out that day, nor see his son. Because he had not brought a food parcel for his son, prison officials said, he could not have a visitor's permit

At least Charlie knew his son was alive and that he was appearing in court on September 9. It was an anxious wait of four days

Charlie, however, was relatively lucky. The day of his son's court appearance, the father was accompanied by an attorney and a reporter, two white faces in the sea of blacks at the Central Commissioners Court next door to John Vorster Square

The party arrived at 9 am and was directed to a court which was empty

# The plight of Jack the 'vagrant'

STAR  
30/9/80  
206

The three then moved on to the "Section 29" office where an officer said Mr Leputu, Jun, was indeed to appear in court that day

**Bail**

Twenty-five minutes later, Jack was in the dock

The attorney asked that bail be granted "I have not been allowed to speak to the prisoner yet, Your Worship I would like to find out from him his side of the story," she said

The commissioner asked the inquiry officer if he objected to R50 bail being granted. He did not. But Charlie had only R20. The officer would not accept this

"We have no records of this man. We do not know where he comes from, where he was going, if he is a foreign black or perhaps even a terrorist. I am still waiting for his records from Pretoria," the officer said

**Remand**

But the prisoner's father was in court and the commissioner allowed Charlie to speak. Charlie said he lived in Alexandra Township and had worked as a gardener for his Highlands North employer for 21 years. The commissioner was impressed

Charlie told how he had searched the mortuaries,

hospitals and prisons to find his son, and eventually traced Jack to the prison

The commissioner remanded Jack in Charlie's custody. Unexpectedly, no bail was set

"But be sure you are here on September 16," the commissioner told Jack. "We would not like to have to come and ar-

rest your father because he is accepting responsibility for you

"Do not be afraid to return," the commissioner continued. "Ninety-nine percent of these cases result in suspended sentences, regardless of criminal records

"We simply wish to ascertain if you were a vagrant when we arrested

you — whether you were supposed to be in the area, whether you were registered as a work-seeker, what was your means of income"

**Family**

The inquiry officer said Jack's case might well be withdrawn

So Jack walked out free, temporarily, after languishing in jail for 18 days. Not once was he given the chance to contact his family, nor was he told of his right to apply for bail, he said.

That day, the same commissioner was scheduled to hear more than 100 more such cases. . . .

The following week, 26 days after Jack was originally arrested, the Central Commissioner Court's investigating officer withdrew any charges held against Jack

PRISONS  
the University



Govt to  
tighten  
influx <sup>200</sup>  
control

Political Staff

PORT ELIZABETH — The government is to take steps to make influx control more effective, the Deputy Minister of Co-operation and Development, Dr George Morrison, said yesterday.

He announced this at the Cape National Party Congress here when he replied to a draft resolution, which he rejected, that asked the government to give attention to the fact that whites needed permits to go into black areas while blacks did not need permits to go into white areas.

Later, Dr Morrison refused to disclose what measures the government intended to introduce to tighten up influx control.

But it is understood the new measures are based on the recommendations of the Riekert Commission which recommended that black people only be allowed in white areas if they had housing and jobs.

### Good reasons

The new measures are also linked to the government's declared aim of introducing a uniform identification system for all South Africans.

In his reply, Dr Morrison said people were allowed to leave the homelands for good reasons, basically because there were job opportunities in the white areas.

However, this was strictly controlled by regulation.

Dr Morrison said it was necessary for whites to apply for permits to enter black areas both for their own protection and for the protection of black people.



WILL the hated "dompas" — or something very much like it — ever be finally eliminated from the life of black South Africans?

Dr Piet Koornhof says yes. But the verbatim record of this week's Press conference leaves the matter more open. Under the new system as envisaged in this Bill, black people will not be required to show a reference book and in the new system the black people who qualify — and by far the majority will qualify — will not be subjected to harassment. They will be on a par with white people.

Official: I would, if I were him. Dr Koornhof: The same applies to the white man in the new system. That is the point in the new system the same will apply to the white man as to the black man. Questioner: Under the new system a black man can remove it.

still be asked by a policeman to produce his documents and if he can't, he can still be loaded into the police van, exactly the same as it is now. Dr Koornhof: No, the idea behind this new dispensation is to put a stop to that sort of thing. You must await further announcements which I cannot make today.

Questioner: That aside, theonus still remains on him to have a certificate and to prove his qualifications to be wherever he is found to be His problem today is that he is apprehended on the street by a policeman, and that problem is going to remain. Dr Koornhof (emphatically): The new dispensation will remove it.

Official: A white man in a black area runs exactly the same risk as a black man in a white area if he is not a qualified person. In your own group area there is no need to check on you.

Questioner: But most blacks work in white areas. Dr Koornhof: In the new dispensation, as we have explained, this will obviate that sort of thing.

Professor Piet van der Merwe, leading member of the Riekert Commission in the Riekert report we were very, very acutely aware of the irritations and frustrations caused by the influx control exercise on street level. We recommended only two points of

control insofar as influx control is concerned — at the work place and at the place of residence — and not on the street. Questioner: Does that mean no arbitrary arrests unless there is a real reason for suspicion? Dr Koornhof: Yes, that is the point. The police have been in on all these exercises. And that is why we are publishing these things for general public knowledge and for comment. It is clear that if we don't succeed in doing that, then we don't succeed in our exercise.

Mr Mills, Director-General of Co-operation and Development Mr Munster, there

not solved the problem that the black man will have to carry his document on him all day long and if he forgets it at home he can be arrested. Official: Let me assure you, the carrying of a document to identify yourself will be compulsory for all people. Second official: We must also make it very plain. We are

regally here being called upon to produce documents and if they have not got them on them, then they are in difficulties. That is the exercise involved in this new dispensation. I think it will be phased out. Dr Koornhof: It will disappear.

Mr Mills: I just want to reply to that. Already in the present circumstances there is a provision that if a man is arrested without a pass — call it a pass — and he says he has the document within 5km there is a provision that he must be given an opportunity to get the document. Following the recent newspaper reports (in the Sunday Times) of cases, there are plans to make these provisions even stricter.

grim time for unqualified blacks in the black towns, where a strict regimen of oppression of blacks by blacks could be in prospect. And the prospects are little better if the unqualified "outsider" tries his luck in the white area. There, the full force of the Group Areas Act will come down on him and on anybody assisting him. Disqualified workers will now face fines of up to R250 or three months in jail. Anybody who assists him faces a similar fine. Employers of disqualified workers face fines of up to R500 and, under the new legislation, will suffer a minimum fine of R250 if convicted a second time. "Outsiders" who are caught are liable to be repatriated back to the homelands and anybody who assisted them could be made to pay the cost of repatriation. The only way homeland or foreign blacks will be able to break through the barrier of arrangements to keep the

To ask them for identity documents would be physically impossible to do. Where a man will be required to identify himself for various reasons will be in the work place and at the place where he resides, where he sleeps. Those two places But the mass, on street level, it will be unnecessary to ask for documents. I think it will be phased out. Dr Koornhof: It will disappear.

Mr Mills: I just want to reply to that. Already in the present circumstances there is a provision that if a man is arrested without a pass — call it a pass — and he says he has the document within 5km there is a provision that he must be given an opportunity to get the document. Following the recent newspaper reports (in the Sunday Times) of cases, there are plans to make these provisions even stricter.

grim time for unqualified blacks in the black towns, where a strict regimen of oppression of blacks by blacks could be in prospect. And the prospects are little better if the unqualified "outsider" tries his luck in the white area. There, the full force of the Group Areas Act will come down on him and on anybody assisting him. Disqualified workers will now face fines of up to R250 or three months in jail. Anybody who assists him faces a similar fine. Employers of disqualified workers face fines of up to R500 and, under the new legislation, will suffer a minimum fine of R250 if convicted a second time. "Outsiders" who are caught are liable to be repatriated back to the homelands and anybody who assisted them could be made to pay the cost of repatriation. The only way homeland or foreign blacks will be able to break through the barrier of arrangements to keep the

grim time for unqualified blacks in the black towns, where a strict regimen of oppression of blacks by blacks could be in prospect. And the prospects are little better if the unqualified "outsider" tries his luck in the white area. There, the full force of the Group Areas Act will come down on him and on anybody assisting him. Disqualified workers will now face fines of up to R250 or three months in jail. Anybody who assists him faces a similar fine. Employers of disqualified workers face fines of up to R500 and, under the new legislation, will suffer a minimum fine of R250 if convicted a second time. "Outsiders" who are caught are liable to be repatriated back to the homelands and anybody who assisted them could be made to pay the cost of repatriation. The only way homeland or foreign blacks will be able to break through the barrier of arrangements to keep the

grim time for unqualified blacks in the black towns, where a strict regimen of oppression of blacks by blacks could be in prospect. And the prospects are little better if the unqualified "outsider" tries his luck in the white area. There, the full force of the Group Areas Act will come down on him and on anybody assisting him. Disqualified workers will now face fines of up to R250 or three months in jail. Anybody who assists him faces a similar fine. Employers of disqualified workers face fines of up to R500 and, under the new legislation, will suffer a minimum fine of R250 if convicted a second time. "Outsiders" who are caught are liable to be repatriated back to the homelands and anybody who assisted them could be made to pay the cost of repatriation. The only way homeland or foreign blacks will be able to break through the barrier of arrangements to keep the

grim time for unqualified blacks in the black towns, where a strict regimen of oppression of blacks by blacks could be in prospect. And the prospects are little better if the unqualified "outsider" tries his luck in the white area. There, the full force of the Group Areas Act will come down on him and on anybody assisting him. Disqualified workers will now face fines of up to R250 or three months in jail. Anybody who assists him faces a similar fine. Employers of disqualified workers face fines of up to R500 and, under the new legislation, will suffer a minimum fine of R250 if convicted a second time. "Outsiders" who are caught are liable to be repatriated back to the homelands and anybody who assisted them could be made to pay the cost of repatriation. The only way homeland or foreign blacks will be able to break through the barrier of arrangements to keep the

grim time for unqualified blacks in the black towns, where a strict regimen of oppression of blacks by blacks could be in prospect. And the prospects are little better if the unqualified "outsider" tries his luck in the white area. There, the full force of the Group Areas Act will come down on him and on anybody assisting him. Disqualified workers will now face fines of up to R250 or three months in jail. Anybody who assists him faces a similar fine. Employers of disqualified workers face fines of up to R500 and, under the new legislation, will suffer a minimum fine of R250 if convicted a second time. "Outsiders" who are caught are liable to be repatriated back to the homelands and anybody who assisted them could be made to pay the cost of repatriation. The only way homeland or foreign blacks will be able to break through the barrier of arrangements to keep the

grim time for unqualified blacks in the black towns, where a strict regimen of oppression of blacks by blacks could be in prospect. And the prospects are little better if the unqualified "outsider" tries his luck in the white area. There, the full force of the Group Areas Act will come down on him and on anybody assisting him. Disqualified workers will now face fines of up to R250 or three months in jail. Anybody who assists him faces a similar fine. Employers of disqualified workers face fines of up to R500 and, under the new legislation, will suffer a minimum fine of R250 if convicted a second time. "Outsiders" who are caught are liable to be repatriated back to the homelands and anybody who assisted them could be made to pay the cost of repatriation. The only way homeland or foreign blacks will be able to break through the barrier of arrangements to keep the

grim time for unqualified blacks in the black towns, where a strict regimen of oppression of blacks by blacks could be in prospect. And the prospects are little better if the unqualified "outsider" tries his luck in the white area. There, the full force of the Group Areas Act will come down on him and on anybody assisting him. Disqualified workers will now face fines of up to R250 or three months in jail. Anybody who assists him faces a similar fine. Employers of disqualified workers face fines of up to R500 and, under the new legislation, will suffer a minimum fine of R250 if convicted a second time. "Outsiders" who are caught are liable to be repatriated back to the homelands and anybody who assisted them could be made to pay the cost of repatriation. The only way homeland or foreign blacks will be able to break through the barrier of arrangements to keep the

# Blacks won't need to carry passes, but then again . . .

legally here being called upon to produce documents and if they have not got them on them, then they are in difficulties. That is the exercise involved in this new dispensation. I think it will be phased out. Dr Koornhof: It will disappear.

Mr Mills: I just want to reply to that. Already in the present circumstances there is a provision that if a man is arrested without a pass — call it a pass — and he says he has the document within 5km there is a provision that he must be given an opportunity to get the document. Following the recent newspaper reports (in the Sunday Times) of cases, there are plans to make these provisions even stricter.

grim time for unqualified blacks in the black towns, where a strict regimen of oppression of blacks by blacks could be in prospect. And the prospects are little better if the unqualified "outsider" tries his luck in the white area. There, the full force of the Group Areas Act will come down on him and on anybody assisting him. Disqualified workers will now face fines of up to R250 or three months in jail. Anybody who assists him faces a similar fine. Employers of disqualified workers face fines of up to R500 and, under the new legislation, will suffer a minimum fine of R250 if convicted a second time. "Outsiders" who are caught are liable to be repatriated back to the homelands and anybody who assisted them could be made to pay the cost of repatriation. The only way homeland or foreign blacks will be able to break through the barrier of arrangements to keep the

grim time for unqualified blacks in the black towns, where a strict regimen of oppression of blacks by blacks could be in prospect. And the prospects are little better if the unqualified "outsider" tries his luck in the white area. There, the full force of the Group Areas Act will come down on him and on anybody assisting him. Disqualified workers will now face fines of up to R250 or three months in jail. Anybody who assists him faces a similar fine. Employers of disqualified workers face fines of up to R500 and, under the new legislation, will suffer a minimum fine of R250 if convicted a second time. "Outsiders" who are caught are liable to be repatriated back to the homelands and anybody who assisted them could be made to pay the cost of repatriation. The only way homeland or foreign blacks will be able to break through the barrier of arrangements to keep the

grim time for unqualified blacks in the black towns, where a strict regimen of oppression of blacks by blacks could be in prospect. And the prospects are little better if the unqualified "outsider" tries his luck in the white area. There, the full force of the Group Areas Act will come down on him and on anybody assisting him. Disqualified workers will now face fines of up to R250 or three months in jail. Anybody who assists him faces a similar fine. Employers of disqualified workers face fines of up to R500 and, under the new legislation, will suffer a minimum fine of R250 if convicted a second time. "Outsiders" who are caught are liable to be repatriated back to the homelands and anybody who assisted them could be made to pay the cost of repatriation. The only way homeland or foreign blacks will be able to break through the barrier of arrangements to keep the

grim time for unqualified blacks in the black towns, where a strict regimen of oppression of blacks by blacks could be in prospect. And the prospects are little better if the unqualified "outsider" tries his luck in the white area. There, the full force of the Group Areas Act will come down on him and on anybody assisting him. Disqualified workers will now face fines of up to R250 or three months in jail. Anybody who assists him faces a similar fine. Employers of disqualified workers face fines of up to R500 and, under the new legislation, will suffer a minimum fine of R250 if convicted a second time. "Outsiders" who are caught are liable to be repatriated back to the homelands and anybody who assisted them could be made to pay the cost of repatriation. The only way homeland or foreign blacks will be able to break through the barrier of arrangements to keep the

grim time for unqualified blacks in the black towns, where a strict regimen of oppression of blacks by blacks could be in prospect. And the prospects are little better if the unqualified "outsider" tries his luck in the white area. There, the full force of the Group Areas Act will come down on him and on anybody assisting him. Disqualified workers will now face fines of up to R250 or three months in jail. Anybody who assists him faces a similar fine. Employers of disqualified workers face fines of up to R500 and, under the new legislation, will suffer a minimum fine of R250 if convicted a second time. "Outsiders" who are caught are liable to be repatriated back to the homelands and anybody who assisted them could be made to pay the cost of repatriation. The only way homeland or foreign blacks will be able to break through the barrier of arrangements to keep the



Dr Piet Koornhof. . . part of a process

# Dompas doomed?

## Koornhof plan is noble, but hitches aplenty still remain

But for the "outsider", usually living in rural poverty, the penalties for trying to gatecrash the urban party are hugely increased. Announcing the new legislation this week, the Minister of Co-operation and Development, Dr Piet Koornhof, said there was no question that the new deal was indicative of reform.

He was sure it was not perfect, but pleaded that it be seen as part of a process "It is a genuine attempt to do away with hurtful discrimination as far as is humanly possible in the circumstances we have to deal with in the South African situation," he said. In terms of the new deal, the once all-powerful Section 10 provisions of the Black (urban) Areas Act will be replaced by the new Consolidation Act. The Department of the Interior is busy working on a new identity document, which is likely to be the same for all races, but details of what it will entail are still to be announced. Whatever form it takes, the Department of Co-operation and Development officials are

**IVOR WILKINS NEWS BACKGROUND**

THE atmosphere was laden with good intentions and expressions of sincerity when the Department of Co-operation and Development announced this week a new deal for blacks.

It is contained in three draft Bills that go before Parliament next year. The announcement came at an all-day Press conference where the milk of human kindness flowed in abundance. What was not always so obvious, though, was how this spirit of goodwill would become reality through the letter of the new draft laws.

the mass arrest and molesting of people on the streets would cease. But whether being confronted at home or work is better than on the street is a moot point. Particularly in the light of fears expressed by Mrs Sheena Duncan of the

way that white by-laws are subject to the approval of the Administrator, black arrangements will be subject to the Minister's sanction. The first source of revenue listed for the black towns in the new Bill is fines and the fear is that the black mun-

Contract workers do not and will not enjoy the same rights as qualified people and, for example, will not be allowed to bring their wives and dependents along with them. For the "outsiders", then, the new dispensation does nothing except make their prospects of becoming "insiders" bleaker. Presumably they must seek their economic salvation in the Government's proposals to create development axes away from the four main r-

Contract workers do not and will not enjoy the same rights as qualified people and, for example, will not be allowed to bring their wives and dependents along with them. For the "outsiders", then, the new dispensation does nothing except make their prospects of becoming "insiders" bleaker. Presumably they must seek their economic salvation in the Government's proposals to create development axes away from the four main r-

Contract workers do not and will not enjoy the same rights as qualified people and, for example, will not be allowed to bring their wives and dependents along with them. For the "outsiders", then, the new dispensation does nothing except make their prospects of becoming "insiders" bleaker. Presumably they must seek their economic salvation in the Government's proposals to create development axes away from the four main r-

Contract workers do not and will not enjoy the same rights as qualified people and, for example, will not be allowed to bring their wives and dependents along with them. For the "outsiders", then, the new dispensation does nothing except make their prospects of becoming "insiders" bleaker. Presumably they must seek their economic salvation in the Government's proposals to create development axes away from the four main r-

Contract workers do not and will not enjoy the same rights as qualified people and, for example, will not be allowed to bring their wives and dependents along with them. For the "outsiders", then, the new dispensation does nothing except make their prospects of becoming "insiders" bleaker. Presumably they must seek their economic salvation in the Government's proposals to create development axes away from the four main r-



They also include bona fide employees, who are people in regular employment with approved accommodation Blacks holding 99-year leases in the townships automatically qualify

Bona fide dependents — wives, unmarried children and other demonstrably dependent people — also qualify to remain

An "outsider" from the homelands who marries an "insider" will automatically become qualified, provided approved accommodation is available

## Difference

Blacks can also become temporary "insiders." With permission of the relevant officials, visitors will be able to come into the cities for up to 30 days as long as they have suitable accommodation

This will supercede the present 72-hour restriction on blacks visiting white areas

Blacks staying temporarily in hotels, patents in hospital, and scholars and students in approved lodgings also qualify under this provision

In effect, not much of this is much different from the situation which now applies. Where the difference does arise is that qualified blacks will be given more mobility within the white areas

The plan is that South Africa will be divided into several control areas. At the moment, these comprise the

Mrs Sheena Duncan foresees a grim time in townships where the oppression of blacks by blacks could be in prospect

areas governed by the 14 administration boards across the country, but these will be consolidated into fewer and larger areas

Within his specific control area, a qualified black worker is free to move wherever he wants to, provided he has a job and suitable

knowledge that blacks will still be subject to demands to prove their right to be in a specific area

Dr Piet van der Merwe, Deputy Director-General of the National Manpower Commission and one of the main architects of the Riekert Report from which most of the new dispensation flows, said

She points out that in terms of the new deal, black towns will attain municipal status and will be able to frame their own by-laws, subject to the approval of the Minister of Co-operation and Development (the black municipal dispensation is based on the Transvaal local government ordinance and, in the same

penalties on "outsiders" caught there and on "insiders" harbouring them

The new Bill also provides for the establishment of "community guards", one of whose functions would be to assist in the policing of influx control, according to Dr Koorhof

Mrs Duncan foresees a

through the system of contract labour

Dr Van der Merwe explained that for a foreign black to come into South Africa, he would require a work permit issued by the Department of the Interior after consultation with the Department of Manpower Utilisation

in this regard, it was perhaps significant that the Government chose this week to announce its consolidation plans. After considering the proposals of the Van der Walt Commission, the Government opted for a policy of economic development rather than a rigid devotion to geographic consolidation

S. Times 2/11/88

This applies to farmworkers as well

The mobility of qualified blacks will also extend to other control areas. Again, provided job and accommodation can be found, they will be authorised to move from one control area to another

Apart from an increased freedom to move, the second major impact of the new Bills will be a reduction in the day-to-day frustrations and resentments of the pass laws, according to Dr Koorhof

"Just as whites are not required to show a reference book at every turn, so under the new system black people who qualify will not be subjected to harassment," said Dr Koorhof

## Danger

"If the new dispensation failed to remove the frustrations and resentments of the pass system, the exercise failed," said Dr Koorhof, who added that the police had been included in the planning of the new deal

However, the onus will still be on blacks to provide proof that they qualify to be in a particular control area. And this is where the intention and the reality are in danger of becoming estranged

Even if Dr Koorhof has won his battle against the hated "dompas", some form of documentation will be required to prove a person's qualification to live and work in a control area



# 'Revolutionary' changes in the Pass Laws expected soon

Big changes in South Africa's system of Pass Laws — the body of legislation better known as influx control — are expected soon, possibly by the end of the year.

The changes — which amount to a near revolution in Nationalist thinking — are expected to include a full revision of existing legislation and a consolidation of all current Pass Laws into one Act.

Political observers and sources in Pretoria say the proposed legislation is based largely on recommendations from the controversial Riekert Commission and on parts of the Wreihahn Commission.

But there are one or two areas where the changes go further. "Obviously the whole amendment procedure has been inspired by the commissions, and legislators will follow the Riekert lead, but Government has by no means restricted itself to implementing the Riekert recommendations.

"I mean, even the Mixed Marriages Act and parts of the Immorality Act are likely to go The Group Areas Act is going to be altered. Some laws will be scrapped completely. Others will be welded together.

Among the changes known to be planned are:

- The abolition of the 72-hour limit on black visitors to white urban areas.
- The introduction of a new system of influx control based on the availability of work and accommodation.
- The abolition of penalty provisions against blacks employed illegally in white areas.
- The introduction of heavy fines for employers who knowingly hire illegal black workers.

Reception of the new legislation, however, is expected to be mixed. Already black and white liberals have said the Riekert recommendations will lighten rather than relax influx regulations, although well-placed Government sources maintain the new system will be "much more human" and "leave more room for" black advancement within the country's economy.

Less optimistic sources in Pretoria see the changes as "alterations rather than progress." Said one official: "The whole thing is a very welcome reform initiative. It is also revolutionary as far as most Nats are concerned.

Already black and white liberals have said the Riekert recommendations will lighten rather than relax influx regulations, although well-placed Government sources maintain the new system will be "much more human" and "leave more room for" black advancement within the country's economy.

Less optimistic sources in Pretoria see the changes as "alterations rather than progress." Said one official: "The whole thing is a very welcome reform initiative. It is also revolutionary as far as most Nats are concerned.

Already black and white liberals have said the Riekert recommendations will lighten rather than relax influx regulations, although well-placed Government sources maintain the new system will be "much more human" and "leave more room for" black advancement within the country's economy.

Less optimistic sources in Pretoria see the changes as "alterations rather than progress." Said one official: "The whole thing is a very welcome reform initiative. It is also revolutionary as far as most Nats are concerned.

Already black and white liberals have said the Riekert recommendations will lighten rather than relax influx regulations, although well-placed Government sources maintain the new system will be "much more human" and "leave more room for" black advancement within the country's economy.

Less optimistic sources in Pretoria see the changes as "alterations rather than progress." Said one official: "The whole thing is a very welcome reform initiative. It is also revolutionary as far as most Nats are concerned.

Already black and white liberals have said the Riekert recommendations will lighten rather than relax influx regulations, although well-placed Government sources maintain the new system will be "much more human" and "leave more room for" black advancement within the country's economy.

Less optimistic sources in Pretoria see the changes as "alterations rather than progress." Said one official: "The whole thing is a very welcome reform initiative. It is also revolutionary as far as most Nats are concerned.

Already black and white liberals have said the Riekert recommendations will lighten rather than relax influx regulations, although well-placed Government sources maintain the new system will be "much more human" and "leave more room for" black advancement within the country's economy.

Blacks needed passes to enter or leave Natal, the Transkei and the Cape Province (although in this last area the requirement was not strictly enforced). Then, in 1945, came the first of a long line of major legislation that consolidated the rules and regulations into the state-issued books.

The Natives (Urban Areas) Consolidation Act (No. 25 of 1945) made it legal for the Governor-General — on request from a local authority — to "proclaim" that authority's area of jurisdiction, restricting the entry of blacks to those who could comply with special conditions set out in the proclamation. The Governor-General was also empowered to proclaim an area at his own discretion, after "consultation with the local authority concerned.

This became known, eventually as "influx control."

Proclaimed authorities "might" be required to provide that every male black entering their areas must obtain permits from an official specially designated for the purpose.

But there are one or two areas where the changes go further. "Obviously the whole amendment procedure has been inspired by the commissions, and legislators will follow the Riekert lead, but Government has by no means restricted itself to implementing the Riekert recommendations.

"I mean, even the Mixed Marriages Act and parts of the Immorality Act are likely to go The Group Areas Act is going to be altered. Some laws will be scrapped completely. Others will be welded together.

Among the changes known to be planned are:

- The abolition of the 72-hour limit on black visitors to white urban areas.
- The introduction of a new system of influx control based on the availability of work and accommodation.
- The abolition of penalty provisions against blacks employed illegally in white areas.
- The introduction of heavy fines for employers who knowingly hire illegal black workers.

Reception of the new legislation, however, is expected to be mixed. Already black and white liberals have said the Riekert recommendations will lighten rather than relax influx regulations, although well-placed Government sources maintain the new system will be "much more human" and "leave more room for" black advancement within the country's economy.



## The Acts of the apostles of Apartheid

superseded the 1945 Act in other ways. No black was allowed to stay in an urban area for longer than 72 hours without a permit unless he had been born and lived permanently there. Men who had worked in one area continuously for one employer for not less than 10 years also gained the "no permit" right.

And a special "concession" was introduced, allowing any South African-born black to visit an urban area for up to 72 hours without a permit. Any such blacks, though, had to be able to produce proof on demand that they had not been in the area for longer than the allotted time.

The Amendment Act superseded the 1945 Act in other ways. No black was allowed to stay in an urban area for longer than 72 hours without a permit unless he had been born and lived permanently there. Men who had worked in one area continuously for one employer for not less than 10 years also gained the "no permit" right.

And a special "concession" was introduced, allowing any South African-born black to visit an urban area for up to 72 hours without a permit. Any such blacks, though, had to be able to produce proof on demand that they had not been in the area for longer than the allotted time.

Blacks still with the holder's identity "card" with a photograph (issued in terms of the Population Registration Act). Books for men have permanent living address, efflux and influx endorsements; employer's name and address, date of engagement and discharge, and space for the employer's (compulsory) monthly signature; payments of government taxes, of any taxes due to Bantu authorities; any additional particulars (such as any exemptions).

Books issued to women have pages for entries on: efflux and influx control endorsements and other words, the Act effectively carried out powers and authority of the country's law courts.

But I doubt very much whether it will be welcomed wholeheartedly by the blacks. They are still going to be controlled. They are still going to lack freedom of choice to a large degree.

"I mean, Dr Piet Koenhof (Minister of Co-operation and Development) has made his position quite clear. He told the party congress last month that uncontrolled migration of blacks to urban areas would cause chaos. I suppose any revision and any change constitutes remarkable progress because it will all be despite bureaucracy and despite a solid verkrampde bloc in the party."

As the reference books were issued, fingerprints were taken and banked in a central bureau.

But I doubt very much whether it will be welcomed wholeheartedly by the blacks. They are still going to be controlled. They are still going to lack freedom of choice to a large degree.

"I mean, Dr Piet Koenhof (Minister of Co-operation and Development) has made his position quite clear. He told the party congress last month that uncontrolled migration of blacks to urban areas would cause chaos. I suppose any revision and any change constitutes remarkable progress because it will all be despite bureaucracy and despite a solid verkrampde bloc in the party."

As the reference books were issued, fingerprints were taken and banked in a central bureau.

But I doubt very much whether it will be welcomed wholeheartedly by the blacks. They are still going to be controlled. They are still going to lack freedom of choice to a large degree.

"I mean, Dr Piet Koenhof (Minister of Co-operation and Development) has made his position quite clear. He told the party congress last month that uncontrolled migration of blacks to urban areas would cause chaos. I suppose any revision and any change constitutes remarkable progress because it will all be despite bureaucracy and despite a solid verkrampde bloc in the party."

But I doubt very much whether it will be welcomed wholeheartedly by the blacks. They are still going to be controlled. They are still going to lack freedom of choice to a large degree.

"I mean, Dr Piet Koenhof (Minister of Co-operation and Development) has made his position quite clear. He told the party congress last month that uncontrolled migration of blacks to urban areas would cause chaos. I suppose any revision and any change constitutes remarkable progress because it will all be despite bureaucracy and despite a solid verkrampde bloc in the party."

As the reference books were issued, fingerprints were taken and banked in a central bureau.

But I doubt very much whether it will be welcomed wholeheartedly by the blacks. They are still going to be controlled. They are still going to lack freedom of choice to a large degree.

"I mean, Dr Piet Koenhof (Minister of Co-operation and Development) has made his position quite clear. He told the party congress last month that uncontrolled migration of blacks to urban areas would cause chaos. I suppose any revision and any change constitutes remarkable progress because it will all be despite bureaucracy and despite a solid verkrampde bloc in the party."

As the reference books were issued, fingerprints were taken and banked in a central bureau.

But I doubt very much whether it will be welcomed wholeheartedly by the blacks. They are still going to be controlled. They are still going to lack freedom of choice to a large degree.

"I mean, Dr Piet Koenhof (Minister of Co-operation and Development) has made his position quite clear. He told the party congress last month that uncontrolled migration of blacks to urban areas would cause chaos. I suppose any revision and any change constitutes remarkable progress because it will all be despite bureaucracy and despite a solid verkrampde bloc in the party."

As the reference books were issued, fingerprints were taken and banked in a central bureau.

But I doubt very much whether it will be welcomed wholeheartedly by the blacks. They are still going to be controlled. They are still going to lack freedom of choice to a large degree.



# THE SAVEDAY PEOPLE!

BRANCHES: Johannesburg 105 President Street (off Eloff Street), Tel. 37-7980, 248 Bree Street (opp Rand International Hotel), Tel. 23-1089, 69 Kruijs Street (Cor Jappe St.), Tel. 37-8587, Hillbrow Hi Point, Pretoria Street, Tel. 724-0532, Braamfontein Devonshire House, 48 Jorissen Street, Tel. 39-7717, Edenburg Edemul, Van Riebeeck Street, Tel. 53-8117, Germiston President Towers, President Street, Tel. 825-2315, Kempton Park Espiranto Centre (opp Pick n Pay), Pretoria Road, Tel. 970-4357, Pretoria, Die Meent, Pretorius Street, Tel. 41-2074, Sunnyside Order P.O. Box 2529, Johannesburg 2000.

LEGAL DECISIONS INC. 2857

# Book a leg!

**NOW FOR MATCHES AND REUNIONS! Run away from the ordinary hotel holiday, run away to the Club** the French holiday that's so dear, yet so far. So different, so carefree, so extraordinary. It's heaven on earth, where your fantasies become reality and the only rule is your liberty. Come celebrate life with us... Join the cashless society where you leave your wallet and your worries behind. The holiday with all the extras that don't cost a cent extra, like French cuisine three times a day, free wine at the table, the tip and night entertainment and a disco where you can shake all night. Sports, including sailing, snorkelling, waterskiing, windsurfing, tennis, yoga, volleyball, golf, and more. If you want to be alone you're on your own. Buy, because there are less hassles, less crowds and less costs at Club Med, there is also a space left. So shake a leg, and run as fast as you can to your friendly travel agent or call Club Med directly before you're late!

# Book a leg!

WALL UNITS • BEDROOMS • DESKS • KITCHENS • BATHS • BEDROOM FURNITURE • BUILT-IN CUPBOARDS • DESKS • KITCHEN AND BATH FURNITURE • WALL UNITS • BEDROOM FURNITURE

The workers' qualifications or illegal labourers because they were less "choosy" — the Commission's own word — about to accept lower wages.

This, said the Riekert report, was not in the national interest. It led to unemployment through that report, though, it is impossible to escape the same deepening sadness that creeps up when looking over the Acts then

The Pass Laws are hated, deeply and devoutly hated, by every black person in this country because of their victimisation and discrimination. But more than that is the degradation the reducing of a person to a perpetual statistic, whose life depends on pieces of paper rather than on ability or opportunity.

Look, for instance, at the figures on "Pass Law offenders" in 1978 from the Minister of Co-oper-

arrested for influx control offences in the Cape Peninsula in 1978 as 44, and fines collected as amounting to R397 914.

There are more — and more — statistics that can be quoted. There are studies that can be quoted (like the one by the Centre for Applied Legal Studies at the University of the Witwatersrand, which uncovered "grave shortcomings" in the system of prosecution of Pass Law offenders).

So how about a look behind the numbers, at the people represented by those numbers?

The cases that follow are all genuine, copied verbatim from the day-book of one member of the Black Sash organisation in Johannesburg and covering about two weeks in the city centre advice office.

Names have not been used because it was impossible to get permission for publication from so many people within a reasonable time. Initials (the real ones) are used instead.

The date is July 4, 1980. The office opens around 9 am. The people have been queuing since before 7 am. T M N: Endorsed out of

pay sent to (lawyer) with affidavits appealing against endorsements on grounds that has 10(1)(a) in Wakkershroom.

D B M: Contract workers, wanted to break contract because of bad pay but first came to Johannesburg in November 1979. Would be endorsed out of broke contract. Has been paid R25 a week and should be getting R38 a week. Should get back pay plus correct salary sent to (lawyer).

Z S M: Offered job by Sheet Metal but refused permit. Has letter from superintendent of Denver Hostel saying he was registered there from 1964-68. Must get proof from superintendent. If that does not work must get tenants to agree to sign affidavit as proof of 15 years legal residence in prescribed area of Johannesburg.

M J: Wants to become registered tenant of a house that presently belongs to his cousin who has left and will not return. Wife wants 10(1)(c) rights. Must agree to give full history for affidavit. They are married by civil rites.

He qualified for 10(1)(b). Has lived in Johannesburg since 1969. He

Has 10(1)(a) Kroonsa Registered as a contractor. Employers Day disappeared. Wants to register as a workseeker but was endorsed out. Is living with grandmother who registered tenant of the house. Both parents dead. Must go to Kroonsa and get 10(1)(a). She is supporting her grandmother. Something must be done for her.

M E M: Endorsed out of Johannesburg July 8, 1980. Seeker workseeker permit here where she was told to leave a farm. Is a displaced person. Worked for a couple of years in Rodepoort from 1975 and then came to live in Johannesburg where she has been living until now. Now married by civil rites. Husband has lodger's permit in her sister's house.

Husband holds TIC (temporary identification certificate). She must bring sisters house permit. Affidavits drafted.

J T N: Wants permit to live with husband who is 10(1)(c) and registered as workseeker. Born Johannesburg 1955. Parents divorced. Was sent to New-

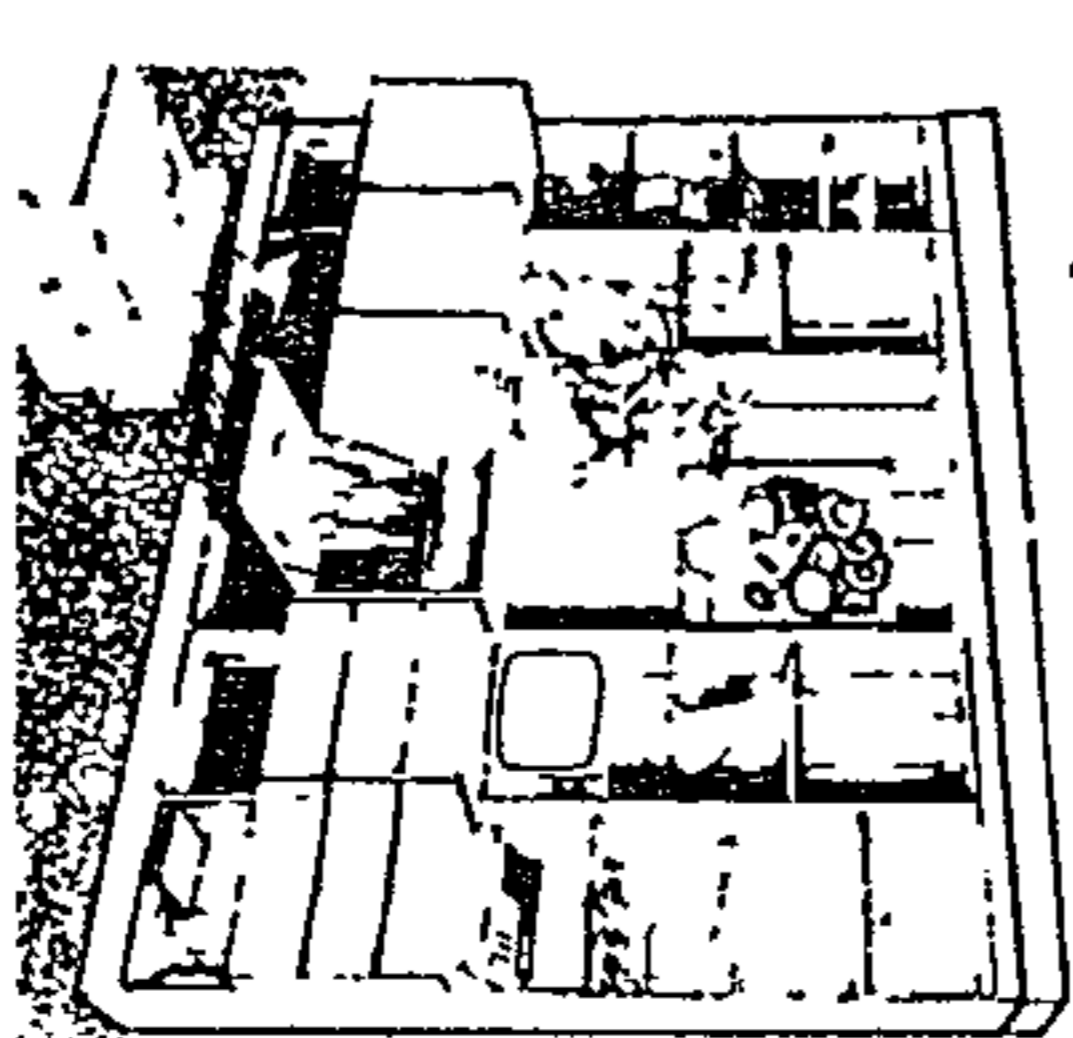
...adds beauty to your home and manufacture the finest quality furniture DIRECT TO THE PUBLIC

ALSO AVAILABLE IN KNOCK-DOWN FORM OPEN ON SATURDAYS

CARELINE PRODUCTS (PTY) LTD  
FACTORY SHOWROOM 1ST FLOOR,  
FINE ART HOUSE, 105 PRITCHARD STREET,  
COR TROYE, JHBG  
TEL. 23 4784

WALL UNITS • BEDROOMS • DESKS • KITCHENS • BATHS • BEDROOM FURNITURE • BUILT-IN CUPBOARDS • DESKS • KITCHEN AND BATH FURNITURE • WALL UNITS • BEDROOM FURNITURE

WALL UNITS • BEDROOMS • DESKS • KITCHENS • BATHS • BEDROOM FURNITURE • BUILT-IN CUPBOARDS • DESKS • KITCHEN AND BATH FURNITURE • WALL UNITS • BEDROOM FURNITURE



WALL UNITS • BEDROOMS • DESKS • KITCHENS • BATHS • BEDROOM FURNITURE • BUILT-IN CUPBOARDS • DESKS • KITCHEN AND BATH FURNITURE • WALL UNITS • BEDROOM FURNITURE

WALL UNITS • BEDROOMS • DESKS • KITCHENS • BATHS • BEDROOM FURNITURE • BUILT-IN CUPBOARDS • DESKS • KITCHEN AND BATH FURNITURE • WALL UNITS • BEDROOM FURNITURE



# Lives from their cradles to their graves...

From previous page

February 63 for women).

The Bantu Laws Amendment Act (No 42 of 1964) tightened up a lot of previous legislation

"proclaimed" areas became "prescribed" areas, and the Minister could declare anywhere - outside an African Reserve to be a prescribed area (after consultation with any affected local authority).

In all prescribed areas, legislation and regulations controlling movement and labour of blacks would be strictly enforced.

The definition of "authorised officer" - anyone who could demand documents from blacks - was widened to include yet more types of officials.

More influx control

powers were transferred from municipal officers to labour bureaus including authority to admit blacks who wanted to visit a town for longer than 72 hours, admit blacks over 16 and women younger than 60 and women younger than 15) who wanted to live in towns, allow women who wanted to join their husbands to live in towns, if they prescribed areas

In all of this, the labour bureaux had, to "give regard" to the availability of accommodation in black residential areas. In other words, if there was a housing shortage - as there has been for as long as anyone can remember - all old blacks and wives and children were out of luck

The Act also pruned the 1952 Amendment, making it necessary for any woman who wanted to live with her husband not only to "ordinarily reside" with him, but also to have entered the area lawfully in the first place

Thus applied, too, to unmarried daughters and sons under 18. This small provision affected hundreds of blacks who had hitherto been able to live together legally, as families, under the 1952 Act.

And yet again, grounds on which blacks could be labelled "idle or undesirable" were extended. They were, for the first time, applied also to blacks who qualified under Section 10(1) to live in prescribed areas. They could all, now, be legally thrown out

In among this chaos of Acts were various amendments to the Group Areas Act (No 41 of 1950), an enormously complicated measure that imposed controls throughout the country on inter-racial

transfers of property and inter-racial changes of occupation

A major consolidation in 1966 (Act No 36 of that year) clarified the situation, no racially disqualified person could occupy land or premises in a group or controlled area without a special permit

Later amendments - such as Proclamations 3 and 4 of January 1968 - would extend this to employment. Blacks would need permits to be employed in any "trading establishment" or business in a white group area, they would need permits to work in specified jobs in controlled areas unless they were under the full-time supervision "and control" of a white

More and more mingling little intruders were made into black ability to move around and work in South Africa

There was the Bantu Laws Amendment Act (No 19 of 1972) which provided that any black found guilty of illegal presence in an urban area could - if a court ordered his removal to a work colony or institution or rehabilitation scheme - be "detained there for such period" and ordered to perform such labour "as might be prescribed by law"

The Bantu Affairs Administration Act (No 45 of 1971) empowered the Minister to declare any area outside the "Bantu Homelands" a "Bantu Affairs Administration Area" with a Bantu Board in control. The boards were all-white

When a prescribed area was included in the administrative area of a board any black who at that time qualified to remain there longer than 72 hours could - as long as he remained qualified to live and work in any other prescribed area included in the same board's area. But if he lost his 10 (1) rights he would lose them in all prescribed areas under the jurisdiction of the board.

The Bantu Labour Regulations were revised by Government Notice Number 1292 of December 1965, where it was stated that if a man who qualified to stay in a particular area under Section 10 (1) (a) or (b) married a woman from outside the area, he had to get special permission for his wife to live with him.

If she came from another prescribed area, the permission "might" be granted if both Bantu Affairs Commissioners "agreed" to issue the necessary permits. If she was living legally in her own area if the couple could prove they had been legally married and

IF accommodation was available for them

Note here customary unions do not have to be registered, and are extremely difficult to prove

IF the wife lived outside a prescribed area, permission had to be obtained from the Department of Bantu Administration and Development

In 1973 the department came up with a document that had to be signed by any woman recruited in a homeland to work in a prescribed area on an annual contract as a domestic servant. It had to be signed by the employer as well, and included such conditions as accommodation approved for the employee, cancellation of the contract if the woman brought any of her children or dependants to live with her

Finally, last year, came the Riekert Commission's report on the Utilization of Manpower - one of the most important developments on the pass laws for many years

The Commission reached the conclusion that Section 10(1) of the Urban Areas Act was "discriminatory" because it applied only to blacks, and that it was harmful to South Africa's international image

It recommended repeal of the Act, together with the Black Affairs Administration Act and the Community Councils Act after embodying relevant provisions from all three into a new piece of legislation - the Community Development Act.

The commission also recommended the repeal of the current and night permits because of discrimination, because they caused "unnecessary" friction and because they did little to reduce or combat

crime. The Government accepted the proposal but has not yet acted on it

Riekert and his men also made a point of saying that reference books were "very unpopular" among blacks, and advised that this information be passed on to the relevant Minister for possible action

Another recommendation - accepted by Government - was that blacks who qualified under Section 10 (1) to live and work in an urban area should have that permission extended to all urban areas. The eventual Government enactment in June this year put it rather differently. That any black with 10 (1) qualifications would "not be refused" a permit in another urban area if remains necessary for blacks to apply for that permission

Other recommendations of the Commission were accepted, but nothing has yet been done about them. These include the important provision that 10 (1) (a) or (b) blacks who marry should be allowed to have their families with them irrespective of the area of origin (housing is available) and that no distinction should be made between 10 (1) (a) or (b) people because of the area of origin of their lawful wives and legitimate dependants

The Riekert Commission was a heartening development overall - if for no other reason that the fact that it put the whole issue of rigid control of blacks to question

The pass laws, however, are still waiting for that question to be answered. For as long as they remain on the statute books they provide the most completely damning evidence as to this country's claim to humane treatment of its black citizens

## GETTING ON, WASTERS, EGGS, BROTHERS

### TABLE TWO

Cases Reported	1976-77	1977-78
Curfew regulations	37 370	22 706
Foreign Africans entering certain areas	12 494	14 968
Registration and production of documents	122 216	117 700
Black (Urban Areas) Consolidation Act	115 294	124 583

### From previous page

castle to grandmother. Schooled and grew up there. Grandmother died 1974. She returned to her father's house. He remained and is the registered tenant of the house but stepmother does not want her. Her first reference book came from Newcastle 1972. Married by civil rites. Roodoort 1976. Two children both born here. Birth certificate affidavits drafted for her and husband (it is a start). Must bring housing permit

NSH: Is a 10(1)(b) Wants to register in his employment. Was refused. In the last stamp in his book his 10(1)(b) was not reflected. He has not left Johannesburg, nor has he been in jail, and cannot understand why he was refused. He was born in Johannesburg and has a Johannesburg and a permit always been on a permit Affidavit done asking for 10(1)(b) to be reinstated. Copies of his permit attached.

31/10/80 Agreed wage was R40 a month. Is getting R18 R5 deducted for "registration" every week. Now has an offer of employment with someone else. Must get letter from previous employer for transfer of contract otherwise nothing we can do

NSH: Needs first reference book, permit to live and workseeker permit. Displaced person Born Old Pineville 1965 Was taken as a child to Viljoenskroon in OFS to live with maternal grandfather. Parents never married. Lived with grandfather until 1970. Grandfather had his name on permit but it was taken off by the authorities, who said he belonged to Johannesburg. Recruited

Sophiatown 1956. Parents separated when he was a baby. Mother disappeared. At the age of six he was sent to maternal grandfather at Grassmore. Grandfather worked on farm, so TST given permission to live there. No schooling. Grandfather died 1975. Came to Johannesburg. Worked registered for one year then terminated. Now has offer of employment. Was endorsed out when tried to register Affidavits done

E.D.: Endorsed out of Johannesburg 4/7/80. Appeal affidavits done. Says she was definitely on grandparent's housing permit at Warden until 1962. Recruited

Used and mother very ill. Worked on contract for East Rand Administration Board 1973-74, and in Johannesburg 1974-75. Then worked on site of new hospital. Has new offer of employment. Will try. Affidavits done

V.M.K.: Endorsed out of Johannesburg 17/7/79. Reinstated. Wants permit to live and 10(1)(b) Born Orlando. Shacks in 1941. At the age of four moved to Senaane. Shacks. House built on that site. House built on living in now. Name was on permit. Brother registered. Brother issued 1976. New permit issued 1976. Grandfather's name left out. Was told that because his tax area was Wakkerstroom, and he was endorsed out, he was away.

(NAM) on the permit Mother and stepfather since separated. First reference book 1959. Never worked until 1965. Must get letters from past employers and aunt's housing permit (she is living with the aunt). Affidavits to be done



J.B.N.: Endorsed out 10/78. Displaced person Born on white man's farm in OFS 1948. The parents were labourers. They moved to two other farms, the last one in Wakkerstroom. First reference book. Amersfoort 1963. Worked on farm until 1970 to seek employment. Came to Johannesburg. Worked unregistered for eight years. Could get letters from past employers (one born here). Has new offer of employment. Affidavits drafted

S.G.D.: Endorsed out. Wants to be registered in employment, also 10(1)(1) First came to Johannesburg 1963. First reference book. Johannesburg same year. Always paid registered. Always paid for his bed at the hostel, he was away.

Went to school Orlando East. Then in 1959 went to Transkei to school. First reference book. Transkei 1963. Left school because she was pregnant. Child born Transkei. November 1964. Returned to Johannesburg. Found parents had divorced and disappeared. Worked unregistered. Now has six children and is living with cousin, who will allow her to lodge. Only one child has birth certificate. Affidavits drafted, but wanted her no chance

M.T.M.: Late husband was registered tenant of house. She was live-in domestic worker for some time, but always on husband's house. Affidavits done

I and I only hope that what I have written in the affidavit will suffice

Johannesburg 1947. Worked unregistered for one woman for 18 years in various places. Went with her to Cape Town. Took out first reference book there 1960. Has two letters from past employers. New offer of employment with a hospital. She will get written offer of employment and we will try to help.

K.I.N. and M.A.V.: Both born on white man's farm in Hellbron area. Parents were labourers on the farm, but were unmarried. First reference books in Lindley. They left the farm when she was 24 and he was 15. They were told to leave when the father became ill in 1975 and they died in 1976, and they have lived here in Johannesburg ever since. Mother is living with them, but none of them on housing permit. She (mother) is ill and cannot work. Displaced persons. Must bring mother's reference book and affidavit must be done for her to be entered on permit. Then must bring house permit and will do affidavits for permits to live.

K.J.S.: Has been refused 10(1)(b) rights. She is a qualified nurse and has been working in Baragwanath Hospital from 1969 to 1979. Took maternity leave in 1971 but was still on hospital books. Born Middleburg. Wants her name is still on permit. Has three children. Husband died 1977 (he was registered tenant of house). She now wants to be registered tenant of house. Has done affidavits

S.T.: Wants first reference book, 10(1)(a), late registration of work, permit to live and birth-seeker permit. Born Sabavu August 7 1961. Soon afterwards moved to maternal grandparents' house in Klipspruit. Never on permit. Parents never married. Father was very young.

Got the idea? Lawyers maintain the Pass Law system is "unenforceable" - the content of one out of the 12 interviewed. The other three said the network of laws was "contradictory, discriminatory and catastrophic" and did not deserve the description "legislation". One thing, above all, cries out from any investigation of the Pass Laws: they have caused more human suffering than any other body of this country's history.



arrested in jail for not having reference etc. Needs affidavit for employer to show where he has been since 1978 Affidavit done BWT. Has been contracted to work Alexandra township refused to register him saying that he did not have legal accommodation Employer has accommodation for him. Telephoned them They will give him a note saying that he will be legally accommodated and that should satisfy Alex VAD: Was working on contract Contract expires

with mother and step-father. Grandfather died in 1974. Never been on permit Mother very ill in 1978 Kicked out of his stepfather's house after mother's death Now living with a cousin who will allow him to lodge. Must get mother's death certificate, if mother's reference book Perhaps can help.

T S T: Endorsed out of Johannesburg 14/7/1980 Wants permit to be able to live with father and register in employment Displaced person Born

pealed and was never notified about the outcome of the appeal She went yesterday and the appeal was disallowed Nothing we can do

G J M: Endorsed out of Johannesburg June 10 1980 Appealed Was told to get job offer and affidavit Born Orlando West 1945 At age of six was sent to grandparents at Qyane Lived there from 1958-63 Thereafter herded cattle He is married, has four children They are all living illegally with his parents Father is paral-

area again Walkersroom (because it is mother's place of birth) He was assaulted some time ago and has brain damage Will apply for disability person

N A M: Wants work-seeker's permit and permit to live Never been registered or on a permit Born Sabau 1943 Lived with parents They split when she was small and mother remarried They moved to a house in Mar-rio N where stepfather was registered tenant, but he refused to put her

went home to age 4. Has all the hospital doctors letters. Copies made Has new offer of employment Affidavits done

B N N: Endorsed out July 3, 1975 Wants to be registered as workseeker and permit to have house in Johannesburg Born here April 24, 1944 Has certificate lived with parents in Orlando East Parents were married and she was only child At five years old move to house at Mzinho-

the house was registered. Sent to Legal Aid

F E M: Orphan Mother murdered by father, lived with various relatives just been kicked out of sister's house Now wants to be registered Always before worked un-registered as domestic Brought letter from only one past employer Must bring letter of offer of employment This has been a real uphill battle

# PILES OF WOOD THAT SAVE YOU STACKS

**SAPINE** (planed all round) **19MM X 296MM** R4-80 per length

**32MM ELECTROBRASSED PLANO HINGES** R1-30 per length

**4MM COMMERCIAL PLYWOOD** R10-20 per sheet

**650MM KINZO HANDSAW** (7 point) R4-20 each

**19MM UNDEGED CHIPBOARD SHELVING**

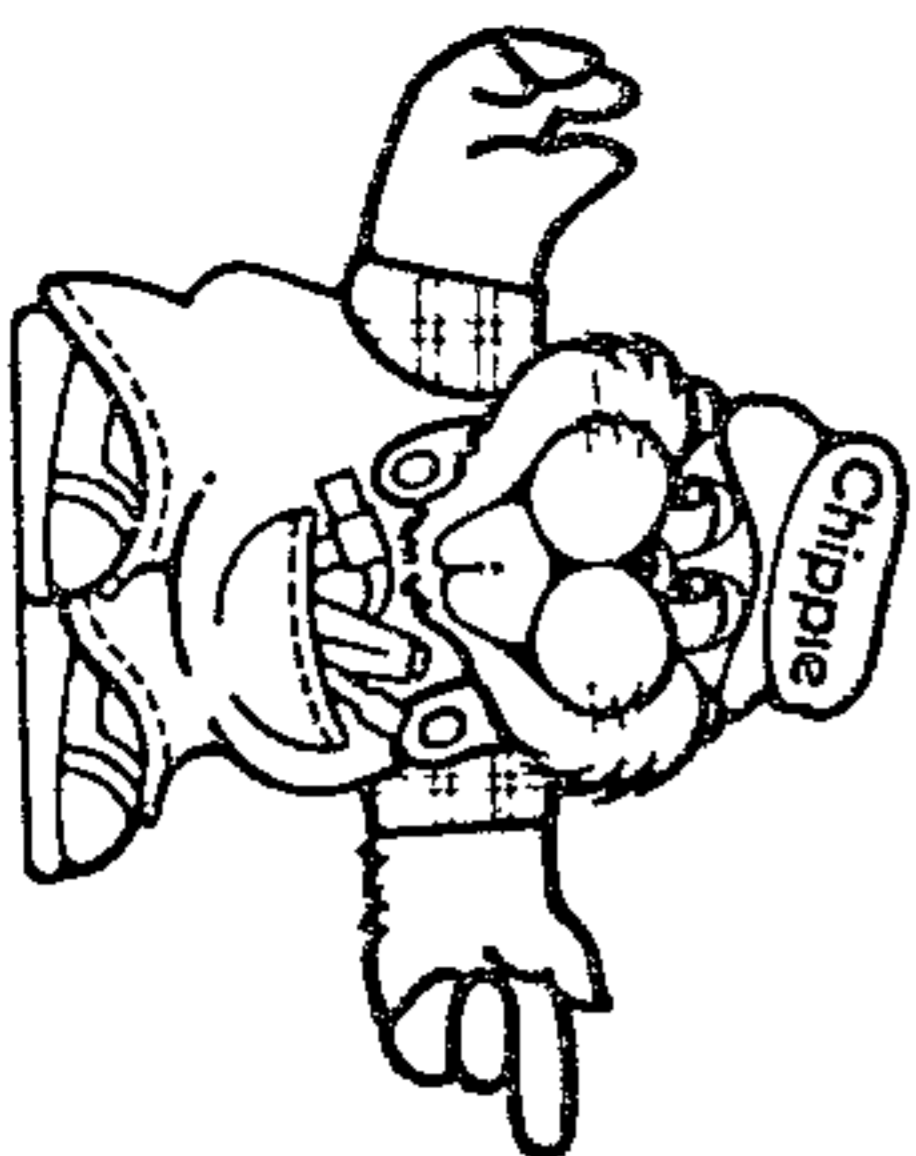
1 830 X 455 mm	R4-14 each	2 745 X 455 mm	R6-21 each
1 830 X 530 mm	R4-83 each	2 745 X 530 mm	R7-24 each
1 830 X 610 mm	R5-55 each	2 745 X 610 mm	R8-33 each

**4-PIECE WOOD CHISEL SET** R4-35 per set  
(6 mm, 12 mm, 19 mm and 25 mm)

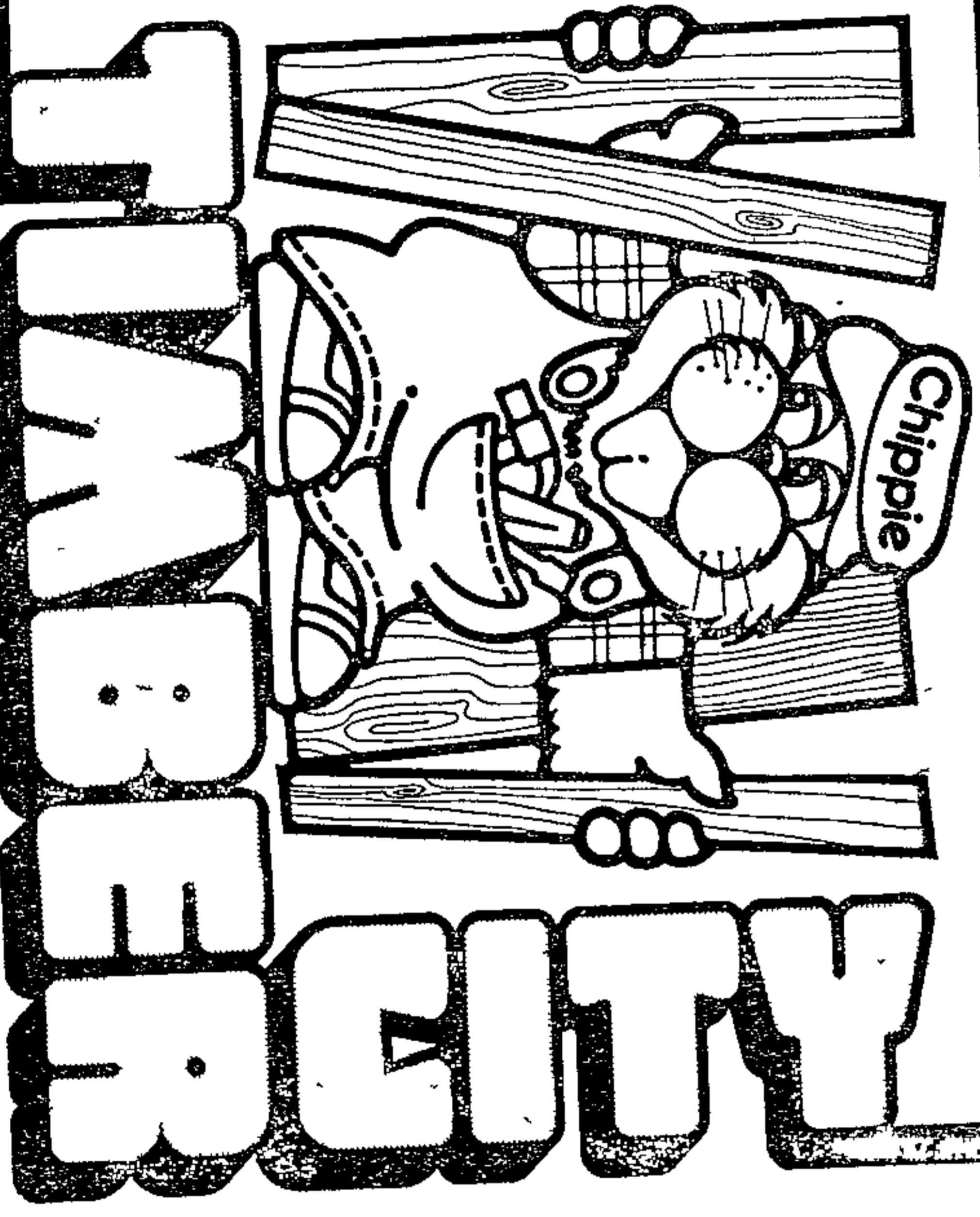
## WE'RE STACKED IN YOUR FAVOUR:

- Expert service and advice.
- Convenient account facilities.
- Lowest cash prices
- Special facilities for the trade.
- Stacks of free parking.
- Free delivery.

All prices cash nett  
Prices exclude GST  
SPECIAL OFFER ENDS 4th OCT.



**WE ARE AT:**  
Johannesburg 234, Fox Street  
Telephone 37-4970  
Krugersdorp Corner Monument and Sivewright Streets  
Telephone 665-3195/6/7  
Pretoria 222 Bloed Street  
Telephone 26-9043  
Soon in Germiston!



# WITTED

**THE CREWEES?**  
On July 17, 1970 Jeannette and Harvey Crewe, a young married couple, both thirty years old, were brutally murdered in their lonely farmhouse. Five days later the killing is discovered, and police find an 18-month old baby in the farmhouse. The baby has been properly fed and tended. Who killed the Crewees? And who came back to look after the child? Read the story of this astonishing real-life murder mystery ... in October Reader's Digest.

**WHY PEOPLE MAKE MISTAKES**  
"Slips of the tongue" ... "how" ... an American psychology professor explains how they happen, and exposes the secret workings of "an exceedingly complex computer." You may actually think and think-think in October Reader's Digest.

**MYTHS OF MENOPAUSE**  
Ours may be the first generation of women to get the most out of middle age. Menopause could herald the best times yet. Read more in October Reader's Digest.



**Reader's Digest - the best in current reading**

October issue now on sale at Selected Nurseries, Airport Terminals, GNA, Pick 'n Pay, Clicks and Checkers Stores



# Influx control to tighten

PORT ELIZABETH—The government is to take steps to make influx control more effective, the Deputy Minister of Co-operation and Development, Dr. George Morrison, said yesterday.

"Attention is being given to making influx control more effective," Dr. Morrison told the Cape Congress of the National Party.

He announced this when he rejected a draft resolution, that asked the government to give attention to the fact that whites needed permits to go into black areas while blacks did not need permits to go into white areas.

Afterwards, Dr. Morrison refused to disclose what measures the government intended to introduce to tighten influx control.

But it is understood that the new measures are based on the recommendations of the Riekert Commission which recommended that blacks only be allowed in white areas if they had accommodation and jobs.

The new measures are also linked to the government's declared aim of introducing a uniform identification system for all South Africans.

In his reply, Dr. Morrison said people were allowed to leave the homelands for good reasons, basically because there were job opportunities in the white areas.

However, this was strictly controlled by regulation.

These controls were necessary because of the lack of housing and lack of job opportunities outside the black states.

Dr. Morrison said it was necessary for whites to apply for permits to enter black areas both for their own protection and for the protection of blacks.

— PC



# Computer plan to control workers

STAR  
9/10/80

~~205~~  
~~207~~  
206

By Tom Duff, Political Reporter

The Government is considering a vast national computer network to give it far-reaching control over the lives and work of urban black people.

Computers in all the areas now controlled by the main administration boards, linked to each other and to a central computer in Pretoria, would enable the Government to combat unemployment by providing instant information on where jobs are and where workers are who can do the jobs.

The system would also enable the Government to tighten up severely on influx control. A wide array of personal details — including "relevant" criminal offences — would be fed into the computers.

This system could have some important benefits for black people.

However, there are fears that the system could be abused by the authorities and that it could give the Government unprecedented control over the lives of black people in urban areas.

Mrs. Helen Suzman, Opposition spokesman on black affairs and civil liberties, warned today that the introduction of such a system might result in South Africa entering an era of bureaucratic control which will make the pass system seem like child's play.

Mrs. Suzman said that while the system might have some important benefits for black people, it could introduce a degree of labour control which she doubted existed anywhere outside Russia.

Sources say that if the system is introduced, and it is being contemplated by some senior Government men, personal details fed into computers will include:

- Educational qualifications and results of aptitude tests.
- A lengthy record of previous employers.
- Records of "relevant" criminal offences. It is understood that the system could provide for a

206

Star 9/10/80

computer, by the police if a person is required for questioning

- Ethnic origins of urban blacks.
- Their status under influx control laws
- Labour law qualifications
- Detailed information about accommodation and employment.

The system also provides for extensive information about employers to be fed in.

**Excluding**

Mrs Sheena Duncan, director of the Black Sash advice office in Johannesburg, said today the system would be in line with that part of the total strategy expressed in the Riekert Report

It could lead to a severe tightening up of influx control

She feared that it would intensify the rate at which people in the homelands are being totally excluded "from their rightful share in the wealth of the resources of this very wealthy country"

She pointed out that the use of computers in the administration of blacks was already causing problems

The Black Sash offices had already had to deal with difficulties caused by incorrect information being fed into computers.



# Top blacks hit out at control by computer

STAR 10/10/80

537 206

By Craig Charney and Mike Derry

Black leaders have slated the proposed new system of computerised control over black workers' jobs and personal histories.

The proposal, disclosed in The Star yesterday, would give employers and Government officials a complete file on any black worker — including his movements, work history, employer recommendations, and even police record — at the push of a button.

Bishop Desmond Tutu, general secretary of the SA Council of Churches, said "I find it very sinister"

"While there will be peripheral advantages, the worrying aspect is that it will give the authorities major control over the movements of blacks. Therefore, I think the churches and other interested bodies will have to ask the authorities to have another think"

While some people had said the proposals amounted to the coming of Big Brother to South Africa, Bishop Tutu said, 'Big Brother is here already. It's just getting worse.'

### "DISTURBED"

Inkatha's principal urban representative, Mr Gibson Thula, said he was "very disturbed" at news of the proposed computer system

"The Government has been using computers for some time in influx control," he said.

"Obviously now they plan to link up and keep a stricter watch on black people's movements"

Mr Thula said there was no doubt the new computer system would be used to tighten up influx control

The introduction of the proposed system could mean that "bad elements" in the black community could be singled out, warned Mr George Wauchope, publicity secretary of the Azanian People's Organisation.

"If you're found guilty of any crime — from a pass offence to a political offence — you'll fall victim," he said

# Jobs crisis is due to 'absurd influx laws'

By Sieg Hannig,  
Labour Editor

Employment codes and conditions negotiated by trade unions through industrial councils certainly cannot be blamed for South Africa's unemployment, says Mr Michael O'Dowd, chairman of the Free Market Foundation

In a speech to a seminar of the Institute of International Affairs in Johannesburg yesterday, he blamed the unemployment crisis largely on

the education and training bottlenecks, and

the Government's "absurd" policy of trying to put urbanisation into reverse through exporting unemployment to the rural areas by means of influx control

For example, he said,



Mr O'Dowd . . .  
jobs destroyed.

South Africa had aimed for a servantless society amid a sea of unemployment

He posed the question of how many jobs had been destroyed by the "entirely intended effects" of influx control

Mr O'Dowd, who spoke

in his private capacity, said economic development which benefited the whole population was possible in South Africa with modern technologies.

Japan, which had a per capita income no higher than that of South Africa in 1960, had provided the proof that this was possible, he said.

Mr Merton Dagut, corporate planner of Nedbank, said South Africa had not yet found the means of emulating Japan.

But it could reap many rewards automatically if it stopped committing "the sins of separate development"

## PROFITS

A spokesman for an American firm which cut its black force by 20 percent five years ago to increase wages by up to 40 percent said this had not proved a burden on profits

Instead, 50 percent more jobs had been created as a result of the firm's increased efficiency (and competitiveness).

Professor Jill Natrass of the University of Natal said the immediate impact of higher black wages was greater buying power in the hands of low income earners.

This meant increased demand for food, clothing and other essentials — a demand which actually generated more jobs in the industries producing the goods, she said.

But Mr O'Dowd argued that harm could be done if the high wages being paid by big, capital intensive, firms were enforced on small, labour intensive, companies

Where such large companies were threatened by competition from smaller ones, they should abandon the business in favour of the smaller firms, he said.

STAR  
16/10/80

335  
106  
500  
387



provided and the hours are long — up to 14 hours. Those unable to get work for the day spend their time hiding from the patrols, begging and foraging for food.

Meanwhile, the Cape Provincial Council plans to impose a municipal by-law on Cape Town, compelling it to administer a compound-labour system for domestic servants in Sea Point and Green Point. At its October 28 session the council will amend the municipal ordinance by conferring power on the Administrator to force any local authority to adopt the by-law.

The measure is based on a draft suggested by a 1978 committee headed by Community Development secretary Lous Fouche which investigated "undesirable conditions in Sea Point and Green Point arising from the influx of non-whites".

The report noted that the white population of the suburbs is 50 000, served by an estimated 8 800 "legal" blacks, half of them Africans. But nightly, the report said, the black population is swelled by 10 000 "unqualified" blacks who doss down in servants' quarters.

To clamp down on "unwanted elements" the committee recommended the police be given powers to control occupation of servants' quarters in flats and servants' rooms in private houses. The term "occupation" is defined in the committee's draft by-law as "physical presence" between the hours of 10 pm and 8 am.

Furthermore, the draft contains an assumption clause that the owner of a house or block of flats knowingly permitted unlawful occupation (by an unlicensed friend, husband, wife, etc) unless the contrary can be proved.

It proposed, too, that if the owner of an apartment block of 10 or more flats does not occupy the property he must appoint a representative to act for him in terms of the new by-law. Henceforth, owners will have to keep a register of lawful occupiers of servants' quarters "as well as duplicate keys to such quarters for use by the police and municipal officials, if needed for inspection".

The draft also extends the existing system of licensing of African servants to coloured servants who sleep in. According to the WP Domestic Workers' Association, the system of licensing will be unworkable unless workers can show proof of registration. This amounts to a double permit system.

In a written submission to the Cape Town City Council's committee of inquiry into aspects of the Fouche report ("Behavioural Problems in the Municipality") the Domestic Workers' Association noted that "The so-called influx of blacks into Sea Point is caused by the labour needs of the area. Rape, assault, drunkenness and other forms of antisocial behaviour, which are rife in the Peninsula's black townships, apparently fails to attract the attention or concern of the Department of

Community Development. To emphasise the problem in Sea Point/Green Point implies a concession to the moral rightness of separate development."

Workers are horrified they may not have people in their rooms even to relay messages of illness in their families or of other emergencies. Most workers work until at least 10 pm and will in effect be prohibited a simple basic social life.

It is therefore not regarded as a concession that the department does not contemplate a curfew for blacks.

## INFLUX CONTROL

206

### Rouosting them out

FM 17/10/80

Intensified control over the movement of Africans in Cape Town has all the elements of a "final solution". Mid-morning searches conducted by administration board patrols, assisted by police dog units, are a matter of routine as vehicles sweep the city's three black townships for "illegals". Few escape the dragnet.

Early in the morning, long before the settled township population begins to stir, scores of "illegal" work-seekers — mainly from the impoverished Transkei and Ciskei — wait on the sides of main roads in the hope of securing "day-work" from employers who send vehicles to collect them. The going rates, according to workers interviewed, range between R1,50 and R5 a day. In most cases no food is

Sun pos 7 19/10/80 (206)

# A man speaks out

A FORMER Pretoria prosecutor who was recently charged with theft and had his case struck off the roll, is a bitter man

Mr Adam Rudolf Klein (24) who recently walked out of the Commissioner's Court in protest against apartheid laws, told **SUNDAY POST** this week that he felt like a pass-law offender who had just been acquitted, after his case was struck off the roll on October 6.

He said that the abolition of the pass laws was the major issue in stamping out apartheid in South Africa. "I am not going to stop talking about this most hated system that is frustrating thousands of the black people," said Mr Klein

There are people who know about these oppressive laws but are afraid to speak out, according to Mr Klein

"A number of people, including my friends, have told me that my voice is like a shotgun to a thunderstorm," Mr Klein said

He said that he had got the thunder behind him. Mr Klein also said that the people before him, who fought this system, "have been prosecuted", some of them were still licking their wounds, and "I am still licking mine after this harsh treatment"

He said that he was a bitter man today, but "what about millions of black people who are convicted because of the pass-law system". He said that if the government told him to keep alive a system like this, he would be humiliated

According to him, this system creates hatred among the black people.

"Why must a man in an equal society bear a mark in his pocket from sunrise to sunset", he said. "Why must he be prosecuted for not bearing the mark with him," asked Mr

By **MONK NKOMO**

Klein

He said that he wanted to know why a black man's existence had to be stated in a reference book while a white man enjoyed the benefit of his identity

He said that he had been wandering for the past few weeks "in bitterness".

"When I imagine the bitterness a black man

## Apartheid protester Adam Klein to fight on

has gone through, I really feel it my duty to encourage the government to abolish these suppressive laws," said Mr Klein

Asked by **SUNDAY POST** if he saw any changes coming, Mr Klein said that "the first change should be to make a black feel safe and free, otherwise the whole thing is just another blanket on the window"

Mr Klein said that there was an act which

was made to abolish the pass laws "This is Act 67 of 1952," he said

He told **SUNDAY POST** that this law has not been enforced as yet because it was made to "fool the whites"

Mr Klein said that there were 23 offences in Section 15 of the pass laws, which could make millions of black people criminals "I felt it my duty not to prosecute a man on an unjust laws"



# Torn documents shatter Mrs Modise's dreams

San Post 26/16/80 By SAM MABE (206)

A WIDOW who was promised a house and food by the Department of Co-operation and Development was this week given a tin of condensed milk and ordered back to Qwa-Qwa.

This has once again shattered all hopes of ending the controversy surrounding Mrs Emily Modise's forced removal last year from Springs to the Qwa-Qwa bantustan.

The promise of a house and regular supplies of food, including mealie meal, soup powder, beans and condensed milk, was made in writing by Government officials in Nigel on Wednesday this week.

But two days later when Mrs Modise reported at the commissioner's offices, the two documents which marked the first step towards her return to the place of her birth were torn up in her face and she was ordered to go back to Qwa-Qwa.

This was not the first time that an empty promise was made to Mrs Modise. When she was forcefully removed from a squatter camp near Springs late last year, she was told that there was a house waiting for her in Qwa-Qwa.

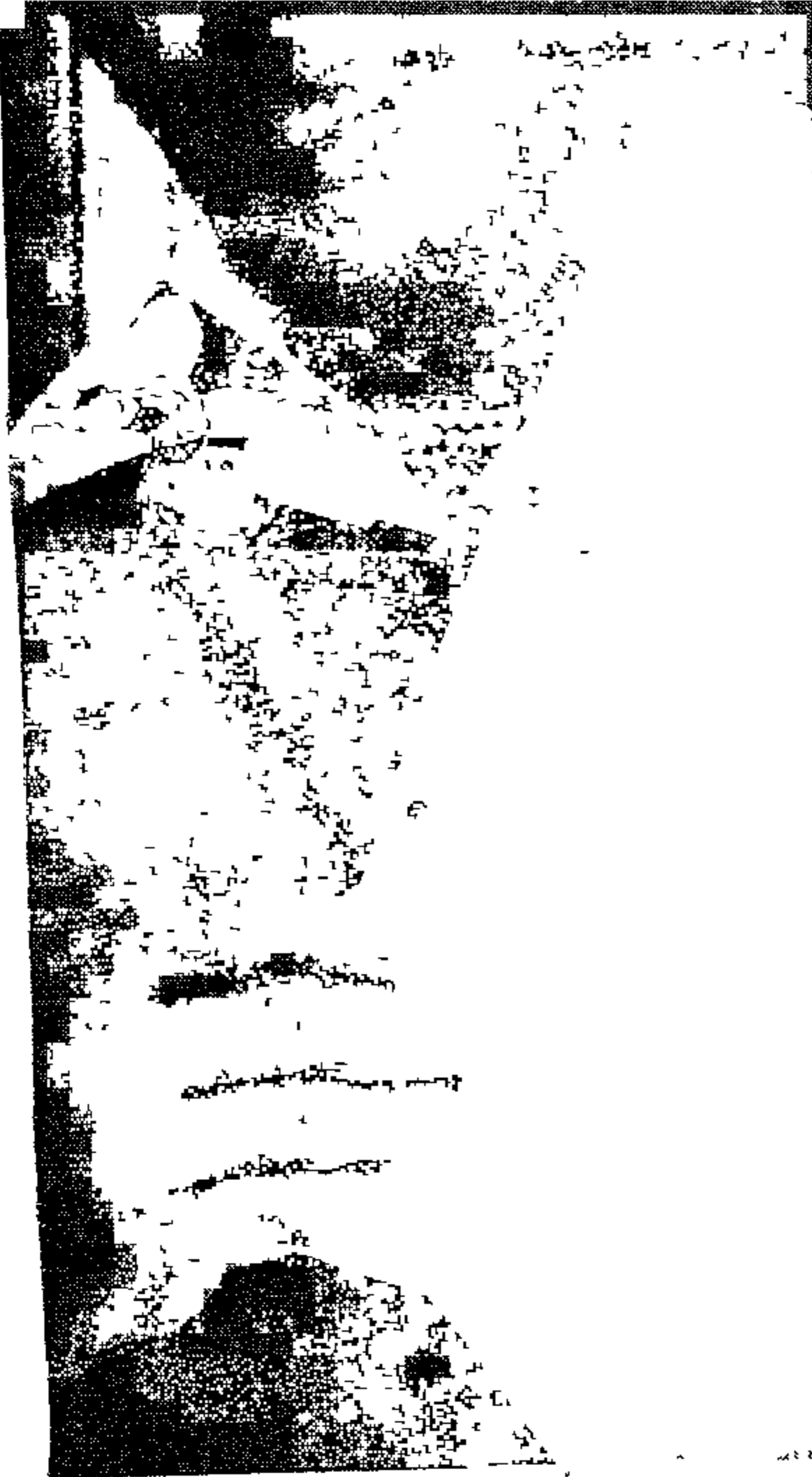
But she was dumped in an open veld in drenching rain while she was cuddling her 18-day-old grand-daughter.

Following SUNDAY POST's exposé of Mrs Modise's plight, she was again promised a house by Government officials from Nigel, who visited her while in hospital after a breast operation.

She was still under sedation when she was made to sign certain documents. She was under the impression that she was signing her way into a new house. It later turned out that the documents were an affidavit in which she allegedly admitted that she was resettled in Qwa-Qwa willingly and at her own request.

When I went to the commissioner's offices in Nigel, I had two photostat copies of the documents which had been given to Mrs Modise. A Mr Marais took the documents from me and told me to b . . . off. This was followed by a strong-worded altercation between him and myself.

He refused to comment on anything concerning Mrs Modise. A spokesman from the Department of Co-operation and Development said Mrs Modise had come to sort out her pension problems and that he knew nothing about a promise of a house.



Mrs Modise and the documents that promised hope — but now, tragedy.  
Pic by Mac Mgorosi.

# New deal for blacks —Koornhof

Argus Correspondent

PRETORIA — A major new deal is coming for urban blacks. Three draft Bills will be published on Friday which will dramatically improve their lot.

The Minister of Co-operation and Development, Dr Piet Koornhof, has promised that the measures will show the black people the first tangible results of all the talk of change over past months.

Speaking at a reception here yesterday for leading Canadian businessmen, politicians and academics visiting the country, he said the Bills would show that getting away from statutory race discrimination was now becoming a reality.

He said a fourth Bill, on the pass laws, was among the legislation which has been prepared over the past 18 months with the aim of doing away with statutory and other racial discrimination.

The measures went to the grassroots of the racial situation in the country.

South Africa was now in a very important period of deep reform and nothing could stop the process. This needed people with strong willpower, faith and fearlessness, as embodied by the Prime Minister, Mr P W Botha.

The country was also in a process of deep constitu-

tional reform as never before in its 300 years of existence.

He saw education as one of the most important problems facing the country.

The Director-General of Co-operation and development, Mr J.H.T. Mills, said the measures to be published on Friday were:

- The Local Government and Community Councils Bill;
- The Co-operation and Development Amendment Bill;
- The Black Community Development Bill.

He said the population registration or pass-book measure fell under the Department of Internal Affairs but had been prepared in close consultation with the Department of Co-operation and Development.

Dr Koornhof's promise of far-reaching measures follows yesterday's statement by the former president of the Chamber of Mines, Mr Dennis Etheredge, that the Government might be poised to take meaningful steps towards ending racial discrimination.



206

# New deal for urban blacks

## Plans to change status of community councils

### Mercury Correspondent

JOHANNESBURG—Proposals for controversial and wide-ranging changes in the laws affecting the lives of millions of black South Africans will be released by the Government tomorrow.

The proposals seek to change the status of black community councils and to amend the maze of influx control laws governing the lives of black workers.

They are contained in three draft laws which will be released and circulated to interested parties for comment.

After comment has been received, the legislation will

be presented to Parliament in its final form next year.

The three laws are aimed at implementing the report of the Elliott Commission which was published last year.

The commission recommended several measures to improve the lot of workers who are entitled by law to live in the cities and to clamp down on influx control in an attempt to keep workers without these rights out of the cities.

It is expected that this policy of improving the lot of urban blacks who have long been on an industrial will be reflected in the new

### legislation

Officials in the Department of Co-operation and Development have been working for much of this year in consultation to turn the Elliott Commission's recommendations into law.

One feature of the new laws will be a Black Communities Development Act, which will seek to replace some of the laws and regulations governing the lives of blacks.

It is expected that many of these laws presently on the Statute Book will be repealed once the new legislation comes into force.

Some have also heard the Government has decided to repeal Section 10 of the Black

Urban Areas (Consolidation Act) which makes it an offence for workers to live in an urban area for longer than 10 years without official permission.

Workers who are exempt from this stipulation are those who lived in an urban area and those who have worked continuously for one employer in the area for 10 years or for a number of employers for 15 years.

These areas fall so that Section 10 will be replaced by a stipulation that all black workers in an urban area must show that they have job and officially approved housing.

This proposal will be discussed with the relevant departments. Government sources agree it will significantly improve the lot of urban blacks.

It is also expected that it will provide a better level of protection for black workers.

At present, workers who comply with the stipulations are usually entitled to remain in an urban area and critics of this idea say it would remove an obstacle to their leaving the cities.

The new legislation will also make changes to the laws governing community councils.

# New draft job laws for blacks

RJM  
29/10/80

339

206

By STEVEN FRIEDMAN  
Labour Reporter

PROPOSALS for controversial and wide-ranging changes in the laws affecting the lives of millions of black South Africans will be released by the Government tomorrow

The proposals seek to change the status of black community councils and to amend the maze of influx control laws governing the lives of black workers

They are contained in three draft laws which will be released tomorrow and circulated to interested parties for comment. After comment has been received, the Bills will be presented to Parliament next year.

The three laws are aimed at implementing the report of the Riekert Commission which was published last year.

The commission recommended several measures to improve the lot of workers who are entitled by law to live in the cities while clamping down on influx control in an attempt to keep workers without these rights out of the cities.

It is expected that this policy of improving the lot of urban blacks while tightening up on influx control will be reflected in the new legislation.

Officials in the Department of Co-operation and Development have been working for much of this year in an attempt to translate the Riekert recommendations into law.

One feature of the new laws will be a Black Community Development Act, which will seek to replace some of the laws and regulations governing the lives of blacks.

It is expected that many of these laws presently on the Statute Book will be repealed once the new legislation comes into force.

Some sources believe the Government has decided to repeal Section 10 of the Black Urban Areas (Consolidation Act) which makes it an offence for workers to be in an urban area for longer than 72 hours without official permission.

Workers who are exempt from this stipulation are those who have been born in an urban area and those who have worked continuously for one employer in the area for 10 years or for a number of employers for 15 years.

These sources believe that Section 10 will be replaced by a stipulation that all black workers in an urban area must show that they have jobs and officially-approved housing.

This proposal would be consistent with the Riekert report. Government sources argue it would significantly improve the lot of urban blacks.

However, its critics argue that it would remove an important legal protection for black workers.

At present, workers who comply with the qualifications are legally entitled to remain in an urban area and critics of this idea say it would remove an entrenched legal right of blacks to live in the cities.

The new legislation will also make changes to the laws governing community councils.

Government spokesmen have said that the councils will have 'greater than municipal status' and will be granted full autonomy, but it is not clear whether this principle is contained in the new legislation.

Official sources have declined to give any details of the proposed changes beyond saying that they intend to stick as close to the controversial Riekert recommendations "as is possible".



By MARTIN SCHNEIDER  
and STEVEN FRIEDMAN

# What Koornhof's package holds for blacks

RMSJ 2/1/81 3/1/80

206

338

INFLUX control will be tightened up, but the position of urban blacks could be eased if the Cabinet accepts draft legislation announced last night by Dr Piet Koornhof, the Minister of Co-operation and Development.

Urging the public to voice its opinion on the proposals, Dr Koornhof also disclosed plans to transform black community councils into town councils with similar powers to white municipalities.

Quoting Abraham Lincoln and William Wilberforce, Dr Koornhof said that whether or not people wanted to believe

him, the proposals showed beyond doubt that they were "indicative of reform in South Africa".

As "great political reformers", Lincoln had urged people to "think anew and act anew", while Wilberforce, the 19th century slave emancipator, had said that if people continued to persevere, "the Almighty will crown our efforts with success".

Dr Koornhof said the reform package was a genuine attempt to remove statutory, "hurtful and unnecessary" discrimination. He said it was not perfect, but people were welcome to make proposals for improvements — a suggestion which one of his officials described as a major departure from practice in the past, when legislation was introduced without reference to the public.

But while Dr Koornhof repeatedly urged the public to give his proposals a sympathetic hearing, black community leaders were unimpressed with the package, describing it as "too little, too late".

Dr Nkhato Motlana, chairman of the Soweto Committee of Ten, said the Ten would not participate in the proposed town councils.

Mr Steve Kgama, chairman of the moderate black Urban Councils Association, said the proposals were a "step in the right direction", but added "In the 1980s, the demands are that the black man not only wants to handle his own affairs, but he wants also to handle the country's affairs".

Chief Gatsisha Buthelezi, Kwa-Zulu's Chief Minister, whose Inkatha movement has indicated it might contest urban council elections, was not available for comment.

The proposals include far-reaching changes to influx control, which, according to Dr Koornhof, will be made "more effective". Referring to his famous statement that he had "declared war on the pass laws", Dr Koornhof said the draft Bills "are eliminating these things".

However, his department's legal adviser, Mr J Lambrichts, confirmed that influx control would in fact be "tightened up".

The proposals scrap Section 10 of the Black Urban Areas Act, which gave permanent residence in urban areas to blacks who were born in them, or worked 10 years for one employer, or 15 consecutive years with more than one employer in the area.

However, presently qualified people and their descendants will retain the rights.

Permanent residence in urban areas will mainly be available to blacks who hold 99-year leases on township homes or are in approved employment, and to their families.

Approved employment depends on a worker having Government-sanctioned housing.

The housing backlog in black townships is already immense and there are fears that this last stipulation will prevent thousands of blacks coming to the cities if the authorities do not introduce crash township

housing programmes. Qualified black workers would now be able to have their families live with them in the cities and blacks would also be able to enter cities for up to 30 days as visitors, a stipulation which may yet be amended.

However, vastly-increased fines and other penalties which would significantly tighten influx control are also proposed.

An "illegal" worker now faces a R250 fine or three months' jail, and his car may be impounded by the State if an

# What Dr K's plans mean to blacks

FEDERAL PRESS

official believes it was used to enter a city

Township householders who hart out or assist illegals face similar fines and could be forced to pay the cost of repatriating the offending worker to the homelands.

Employers of "illegals" still face a maximum fine of R100 but must now be fined a minimum of R250 if convicted of a second offence.

All these measures will make it much harder for blacks from the homelands to enter the cities and there are fears that contract workers will now not be entitled to acquire permanent residence.

Mrs Sheena Duncan of the Black Sash said last night that some blacks in the cities such as children of domestic servants could lose the opportunity to acquire permanent residence.

"This would put a total stop to black urbanisation. All the loopholes which could allow people to come into the cities would be closed," she added.

Another proposal is the transformation of black community councils first into village councils and eventually into town councils with similar powers to those of white town councils.

However, these councils would not be able to pass by-laws without the permission of the Minister of Cooperation and Development.

However, the area of jurisdiction of a black town council could be extended, allowing blacks in its area greater freedom of movement in the search for jobs and accommodation.

A department official suggested that the Pretoria-Witwatersrand-Vereeniging complex could fall under the jurisdiction of a single council and similar arrangements could be made in other areas.

At the same time, officials conceded that the proposals fell far short of statements by the Prime Minister, Mr P W Botha, and his predecessor, Mr John Vorster, who both said blacks would eventually be given "higher than municipal status".

Although an existing law on incitement is to be repealed



the Government's intention  
of a provision for an  
incentive clause with tougher  
penalties

According to the proposals,  
people who "cause, encourage  
or foment" feelings of hostility  
between the different popula-  
tion groups of the Republic  
are now liable to a fine of  
P2,000 or imprisonment for two  
years, or both — double the  
sentence under the existing  
law

Although the new Bills do not  
make specific reference to it,  
blacks, whites, coloureds, and  
Indians will eventually be  
issued a standard identity docu-  
ment — but blacks will still  
have to carry a separate docu-  
ment indicating whether they  
have the right to be in a par-  
ticular area

○ Although new black town  
councils could raise levies to  
finance their activities, a "re-  
volving fund" would be estab-  
lished to assist them until they  
became more viable, an official  
said

RAM

31.10/86







# NEW HOPE, SAYS SASH

HOPES of becoming permanent residents of Johannesburg have been raised for hundreds, possibly thousands, of black contract workers, says Mrs Sheena Duncan, director of the Johannesburg Advice Office of the Black Sash.

This also applied to many of the Municipal workers who were sacked as a result of their strike a few months ago, she added.

Mrs Duncan was commenting on the granting of permanent residence rights to a Johannesburg gardener who worked continuously as a contract worker for a single employer for the past 12 years.

In terms of the Black (Urban Areas) Consolidation Act any black who works continuously for one employer for 10 years in an urban area, or for several employers in one urban area for 15 years, gets permanent residence rights.

But the right was taken away in 1968 when one-year contracts, the maximum permitted, were deemed to break continuous service for purposes of the act.

The case of the gardener, Mr Khazamola Samuel Chauke, is the first exception which Mrs Duncan has heard of in her long experience.

It was handled by the Johannesburg Legal Resources Centre (LRC).

After the municipal labour officer had turned down Mr Chauke's application for permanent residence rights in terms of Section 10 (1) (B) of the Black (Urban Areas) Consolidation Act, the LRC appealed to the Chief Commissioner for the Witwatersrand, Mr P A van Heerden.

He overruled the municipal labour officer's decision and granted Mr Chauke permanent residence rights. Mr Van Heerden said that he could not recall the case because he handled so many.

"Every case is being handled on its merit and there has definitely been no policy change," he said.

But a spokesman for the LRC said he was confident of his interpretation of the law that where an employer and an employee on contract both intended to maintain their relationship over a period of years, and in fact did so, that employment was continuous and unaffected by the formalities of one-year contracts.

He said more such applications were being prepared. Mrs Duncan said that the reaction of a similar application by the West Rand Administration Board indicated that no new instructions had been issued by the Chief Commissioner.

# Another "New Deal"

## From D.K.

POST  
31/10/80  
(206)

**THREE draft Bills which promise a major new deal for blacks — especially those in urban areas — are to be published in the Government Gazette today.**

Explanatory information relating to the Local Government Bill, the Laws on Co-operation and Development Amendment Bill and the Black Community Development Bill, were released in Pretoria last night.

The Bills are primarily intended to update and to remove unnecessary and hurtful discrimination appearing in the legislation reviewed in the Bills, give effect to the accepted recommendations of the Riekert Commission, and to effect a certain measure of rationalisation of the legislation administered by the Department of Co-operation and Development.

### Readily Saps

described it as a "genuine attempt at reform" and in the interest of all the country's people.

"It is a genuine attempt to remove hurtful discrimination as far as possible in present times," he said.

Referring to the important question of influx control, Dr Koornhof said this was a very sensitive matter, but it was necessary for the sake of stability.

The Department points out that the Bills reflect departmental thinking only, and have not yet been considered by the Cabinet.

According to the draft Local Government Bill, the legislation is aimed at consolidating and amending the laws relating to local government by blacks in townships outside the national states, to promote the development of such government and to define the functions of local government organs.

The Department says this bill provides for two

councils with full municipal autonomy, under the overall control of the Minister and village councils, with varying degrees of responsibility, superseding the former community councils.

Dr Koornhof emphasised that the Bill was based on principles embodied in the Transvaal Local Government Ordinance No 17 of 1939.

The Department says that, following the system in the Transvaal, a director of local government, being an officer of the Department of Co-operation and Development, is to be entrusted with the responsibility of ensuring the effective implementation of the Bill on a country-wide basis, and generally to promote the advancement of local government in townships.

In terms of the draft Bill, an existing community council automatically becomes a village council, save where the minister specifically declares such a council to be a town

action are to be prescribed in the regulations. The town council is to be chaired by either a mayor or a deputy mayor, and may also have its own management committee. The village council is chaired by a chairman or deputy chairman.

According to the Bill, the town council has a wide variety of rights, powers, functions, duties and obligations of a local authority.

The Village Council is to be vested with specific powers and duties relating to certain local government functions.

It may also make by-laws, but these are to be approved by the Minister and published in the Government Gazette. Some four existing Acts are either to be repealed or amended by this Bill.

The proposed laws on the Co-operation and Development Amendment Bill either repeals them in their entirety or

DR PIET KOORNHOF



POST

206

31/10/80

Bills, give effect to the accepted recommendations of the Riekert Commission, and to effect a certain measure of rationalisation of the legislation administered by the Department of Co-operation and Development.

Speaking at a Press conference the Minister of Co-operation and Development, Dr Piet Koornhof,

by blacks in townships outside the national states, to promote the development of such government and to define the functions of local government organs

The Department says this bill provides for two categories of black local government organs, with jurisdiction in their respective townships: Town

vancement of local government in townships

In terms of the draft Bill, an existing community council automatically becomes a village council, save where the minister specifically declares such a council to be a town council.

The compositions of councils and the qualifications of candidates for el-

the Government Gazette Some four existing Acts are either to be repealed or amended by this Bill.

The proposed laws on the Co-operation and Development Amendment Bill either repeals them in their entirety or amends about 22 existing Acts

## Amend

According to this draft bill's long-title, it aims, among other things, to amend the black Administration Act, 1927, so as to further regulate the prohibition of acts intended to cause hostility between population groups.

The last of the three pieces of legislation — the Black Community Development Bill — provides for the development of urban and rural black communities outside the national states and to amend and consolidate different laws affecting them.

Under the Bill, some 36 existing laws are either to be repealed in their entirety or are to be amended.

It will provide for "influx control" machinery and also regulate the presence of "disqualified persons" in rural areas, outside the national states.

# Hope for contract workers in new ruling on rights

By Sieg Hannig,  
Labour Editor

Hopes of becoming permanent residents of Johannesburg have been raised for hundreds, possibly thousands, of black contract workers, says Mrs Sheena Duncan, director of the Johannesburg advice office of the Black Sash.

This also applied to many of the municipal workers who were sacked as a result of their strike a few months ago, she told *The Star*

Mrs Duncan was commenting on the granting of permanent residence rights to a Johannesburg gardener who worked continuously as a contract worker for a single employer for the past 12 years.

In terms of the Black (Urban Areas) Consolidation Act any black who works continuously for one employer for 10 years in an urban area, or for several employers in one urban area for 15 years, gets permanent residence rights

But the right was taken away in 1968 when one-year contracts, the maximum permitted, were deemed to break continu-

ous service for purposes of the Act

The case of the gardener, Mr Khazamola Samuel Chauke, is the first exception which Mrs Duncan has heard of in her long experience.

It was handled by the Johannesburg Legal Resources Centre (LRC).

After the Municipal Labour Officer had turned down Mr Chauke's application for permanent residence rights in terms of Section 10 (1) (b) of the Black (Urban Areas) Consolidation Act, the LRC appealed to the Chief Commissioner for the Witwatersrand, Mr P A van Heerden

He overruled the Municipal Labour Officer's decision and granted Mr Chauke permanent residence rights.

Mr van Heerden told *The Star* today that he could not recall the case because he handled so many

But he stressed that there had been no policy change in these matters as far as he was concerned

"Every case is being handled on its merit and

there has definitely been no policy change," he said.

But a spokesman for the LRC said he was confident of his interpretation of the law that where an employer and an employee on contract both intended to maintain their relationship over a period of years, and in fact did so, that employment was continuous and unaffected by the formalities of one-year contracts.

He said more such applications were being prepared.

## PERSONAL DECISION

Mrs Duncan said that the rejection of a similar application yesterday by the West Rand Administration Board indicated that no new instruction had been issued by the Chief Commissioner.

"The commissioner's personal decision in individual cases is not good enough," she said.

"One wants either a firm ruling from the commissioner or, failing that, that the matter should be tested in court."

Nevertheless she intended to advise 200 or more similar contract workers on the books of the Black Sash to follow Mr Chauke's example.

STAR  
31/10/80

206

3/11



# New deal legislation welcomed, slammed

STAR 31/10/80 (239) (206)

## Political Staff

Mixed reactions, from outright condemnation to strong acceptance, today greeted the far-reaching draft legislation on the future of urban blacks within hours of its publication.

Black consciousness groups have already rejected it, but most experts on the highly complex subject of legislation affecting urban blacks and influx control — especially blacks — are still studying draft legislation of more than 200 pages

Mr John Knoetze, chairman of the West Rand Administration Board, said the Bills, which were published today, provided a "wonderful opportunity" for the development of local authorities in black areas

Mrs Sheena Duncan, head of the Black Sash office in Johannesburg, said the proposed legislation would put a total stop to black urbanisation.

All loopholes allowing people to come into the cities would be closed.

The three Bills do provide some benefits for black people. These include:

- Greatly increased mobility for blacks qualified to be in urban areas.

- New categories of black people who can be in urban areas

- A qualified black person in an urban area can be joined by his family if suitable accommodation is available.

- Far more autonomy for urban black local authorities, with blacks being allowed to have fully-fledged city, town and village councils.

- Where previously unqualified blacks could only reside in an urban area for 72 hours, the Bill provides for such persons to visit for 30 days in a year. People staying in hotels are also classified as bona fide visitors.

- Where Verwoerdian ideology was aimed at

## Bills welcomed, and hit

~~INFORMATION~~

Bills, it seemed the fundamental point was that the pass system remained.

As long as blacks had to produce a document on demand to any policeman to prove that they had a right to be in an urban area, they were subject to

the system which had prevailed in the past

Even the production of an exemption certificate did not release blacks from the pass system

Mrs Suzman strongly deplored the delays in repealing the curfew law and the section of the law dealing with idle and undesirable persons

Star

31/10/80

206

making life ... uncomfor-  
table as possible for black  
urban dwellers, the new  
Bills provide for unprece-  
dented development.  
However, severe penal-  
ties are proposed in a new  
system of influx control.  
According to senior Gov-  
ernment officials, the new  
system will be much more  
effective than the present  
one.

**Fines**

Fines of up to R500, jail  
sentences of up to six  
months, and the confisca-  
tion of vehicles are penal-  
ties which face illegal mi-  
grants, or those people  
who employ or house  
them.

Mr. Steve Kgama, presi-  
dent of the Urban Coun-  
cillors' Association, wel-  
comed the granting of the  
"meaningful powers" con-  
tained in the proposed  
legislation.

But he added: "It is not  
sufficient. This is a be-  
lated attempt to satisfy  
the black man.

"The times today don't  
just demand that the black  
man must handle his own  
affairs.

"The black man must  
now become part and par-  
cel of the running of the  
country.

He also said that finan-  
ce available to the new  
black city councils was in-  
sufficient.

The Government had to  
pump in money, he said.  
They are responsible  
for what we are. They  
must put in money.

Mrs. Helen Suzman, Op-  
position spokesman, one  
Black Affairs, said that  
from reports about the

To Page 3, Col 6



.../tutod xuyaa/ atqitssoc it is  
The.../tutod xuyaa/ atqitssoc it is

.../tutod xuyaa/ atqitssoc it is  
The.../tutod xuyaa/ atqitssoc it is  
.../tutod xuyaa/ atqitssoc it is  
The.../tutod xuyaa/ atqitssoc it is

.../tutod xuyaa/ atqitssoc it is  
The.../tutod xuyaa/ atqitssoc it is  
.../tutod xuyaa/ atqitssoc it is  
The.../tutod xuyaa/ atqitssoc it is

.../tutod xuyaa/ atqitssoc it is  
The.../tutod xuyaa/ atqitssoc it is  
.../tutod xuyaa/ atqitssoc it is  
The.../tutod xuyaa/ atqitssoc it is

.../tutod xuyaa/ atqitssoc it is  
The.../tutod xuyaa/ atqitssoc it is  
.../tutod xuyaa/ atqitssoc it is  
The.../tutod xuyaa/ atqitssoc it is

# Why 31/10/50 influx control is stricter - Koornhof

Argus Correspondent

JOHANNESBURG — A new, stricter system of influx control based on the availability of jobs and suitable housing for blacks is contained in a draft Bill published today.

Dr P G J Koornhof the Minister of Co-operation and Development, said in introducing the draft that the police will stop harassing black people about pass books.

He added that the legislation aims to drastically reduce restrictions on the freedom of movement of 'qualified' black people living in the white areas.

The influx control measures were maintained, he said, in order to deal with the process of urbanisation and prevent squatting and overcrowding.

## UNCERTAINTY

An indication of uncertainty among officials of how the proposed new system would be implemented to avoid harassment of black people came when Mr J H T Mills, director-general of the Department of Co-operation, said 'The carrying of an identity document will be made compulsory'.

The basis for being a 'qualified person' includes having residential rights or employment in a control area, which would be administered by new development boards intended to replace the administration boards and which will be partly answerable to the Department of Manpower Utilisation.

## 30 DAYS

Black people from outside control areas, or of someone qualified to be in one area visiting another, will require no special authority if their visits to a resident in a township do not exceed 30 days, if they stay in an hotel, or if they are in hospital.

Domestic servants occupying approved accommodation in an urban area or licensed premises and occupants of approved hostels or married quarters will also be regarded as 'qualified persons.'

.../tutod xuyaa/ atqitssoc it is  
The.../tutod xuyaa/ atqitssoc it is

.../tutod xuyaa/ atqitssoc it is  
The.../tutod xuyaa/ atqitssoc it is

.../tutod xuyaa/ atqitssoc it is  
The.../tutod xuyaa/ atqitssoc it is

.../tutod xuyaa/ atqitssoc it is  
The.../tutod xuyaa/ atqitssoc it is

.../tutod xuyaa/ atqitssoc it is  
The.../tutod xuyaa/ atqitssoc it is

.../tutod xuyaa/ atqitssoc it is  
The.../tutod xuyaa/ atqitssoc it is

.../tutod xuyaa/ atqitssoc it is  
The.../tutod xuyaa/ atqitssoc it is

.../tutod xuyaa/ atqitssoc it is  
The.../tutod xuyaa/ atqitssoc it is

Dr Koornhof said the proposed legislation gave effect to his statement in the United States that he had declared war on the 'dompas' (passes).



Pass laws

(Continued from Page 1)

HAS BECOMI  
REFERRED  
AFRICANS  
SCIENTIFI  
OF LIFEST  
ARE ALREA  
THESE ME  
TO NATUR  
RESOURCE  
THIS CAM  
AUTHORIT  
  
THE PREVE  
STEPS AGA  
PHYSICAL  
OF HYPER  
THAT REQ  
PRESERVING HEALTH BY LESS EX

office in Johannesburg, said the proposed legislation would put a total stop to black urbanisation. All loopholes allowing people to come into the cities would be closed.

Mrs Helen Suzman, Opposition spokesman on black affairs, said that from reports about the Bills it seemed the fundamental point was that the pass system remained.

As long as blacks had to produce a document on demand to any policeman to prove that they have a right to be in an urban area, they were subject to the system which had prevailed in the past.

**CONTRADICTORY**

The president of the Western Province African Chamber of Commerce, Mr Thomas Mandla, said in Cape Town the proposals were self-contradictory.

He saw the proposals as a 'very limited balm' to the country's mood, but not a cure.

The proposals were based on apartheid, he said, and asked 'What about discrimination? Which discrimination is not hurtful?'

Mr Mandla said, 'It is six of one and half a dozen of the other. As long as influx control restricts free movement and the free sale of one's labour, the legislation will defeat its own end.'

The vice-chairman of the Black Sash in the Western Cape, Mrs Noel Robb, said she was worried that the scrapping of the Urban Areas Act might mean the scrapping of blacks' rights in urban areas. 'I am worried about their security,' she said.

Blacks  
31/10/80  
spurn plan  
to keep  
pass laws

Argus Correspondent  
JOHANNESBURG — Reaction ranging from outright condemnation to strong acceptance greeted draft legislation on the future of urban blacks within hours of its publication in today's Government Gazette.

Although the Minister of Co-operation and Development, Dr P G J Koornhof, claims that Government promises to remove hurtful discrimination and to improve the lot of black South Africans, certain areas such as influx control and the pass system remain unchanged.

Three Bills, on which the public are invited to comment, amend or repeal almost 60 laws affecting the daily lives of black people.

They have been prepared by the Department of Co-operation and Development and published for general comment before being submitted to the Cabinet and then to Parliament next year.

Intended to give effect to the Riekert Commission proposals which the Government accepted, the measures are:

- The Local Government Bill, which aims to upgrade black community councils to village councils or to town councils with full municipal status.
- The Laws and Co-operation and Development Amendment Bill which

will see 22 Acts either repealed or amended including the Black Affairs Administration Act to restructure administration boards into smaller development boards which will hand over authority to the new councils when they become viable.

- The Black Community Development Bill, which is an omnibus measure that will see 36 laws either amended or repealed and is claimed to accommodate the 'spirit of the Riekert report'

**R500 FINES**

Fines of up to R500, jail sentences of up to six months and the confiscation of vehicles are penalties which face illegal migrants or those people who employ or house them.

Mr Steve Kgame, president of the Urban Councilors' Association, welcomed the granting of 'meaningful powers,' contained in the proposed legislation but added 'It is not sufficient. This is a belated attempt to satisfy the black man. The times today don't just demand that the black man must handle his own affairs. The black man must now become part and parcel of the running of the country.'

Black consciousness groups reject the proposals.

Mrs Sheena Duncan, head of the Black Sash

(Continued on Page 3, col 1)

NOW  
TH  
BE SO  
ESULT  
WHICH  
CLOSE  
CH CARE  
HEALTH  
MEDICINE  
.../4  
MEDICINE  
NOTE  
AGEMENT  
INFARCTION.  
VES AND  
RESOURCE.

BECOME AVAILABLE FOR OTHER DEMANDING HEALTH PROBLEMS.

PLEASE ALLOW ME TO CORRECT A POSSIBLE MISCONCEPTION. THE FEAR MIGHT ARISE THAT A HEART PROGRAMME CONSISTS ONLY OF "DONT'S AND DO-NOTS". SOME SCEPTICS GO EVEN FURTHER BY UTTERING WARNINGS THAT THE PROTECTION OF, ESPECIALLY, YOUNG PEOPLE AGAINST HEART DISEASE MIGHT DISCOURAGE NORMAL AMBITION AND ASPIRATION.



# Koornhof Bills 'part of total strategy'

By John Murray and  
Lynda Loxton

Draft Bills published yesterday entrenched the Government's total strategy policy to refuse sharing of political and economic power with blacks, says the South African Council of Churches.

The Local Government Bill, the Laws on Co-operation and Development Amendment Bill and the Black Community Development Bill were announced by the Minister of Co-operation and Development, Dr Piet Koornhof.

SACC general secretary, Bishop Desmond Tutu said "The Bills represent an attempt to improve the conditions of so-called 'qualified' blacks allowed on a relatively permanent basis to remain in the Republic.

## DISQUALIFY

"At the same time they ensure that their numbers are restricted. The SACC regards the whole area comprised by the former Union of South Africa as a unitary state, and does not recognise the right of the Government to disqualify any black people born here from living in the RSA."

The Black Community Development Bill was "another effort to try to whitewash discriminatory legislation," experts claimed today.

The draft legislation would do away with the hated Urban Areas Consolidation Act, but transfer its powers to the Group Areas Act.

## INIQUITOUS

Mrs Sheena Duncan, president of the Black Sash, said that bringing all races under the control of the Group Areas Act was not moving away from discrimination, "but entrenching an iniquitous Act."

Professor John Dugard, director of the Centre for Applied Legal Studies at the University of the Witwatersrand, said the merging of the present legislation for blacks with the Group Areas Act is clearly designed to present the impression that the legislation is not racist.

RAND  
Daily Mail  
10m 1/11/80  
Koornhof's  
strategy

206  
TO begin with, we must commend Dr Koornhof for placing his draft reform Bills before the public for thorough discussion before deciding on their final form and presenting them to Parliament.

This in itself is a most welcome change from traditional Nationalist practice. Dr Koornhof says he wants "community involvement" in assessing the Bills, he wants to open up a forum for public discussion so that all the issues involved can be thoroughly ventilated. How refreshing.

In other respects, too, the Koornhof proposals have some welcome features about them — not least being the fact that they amount to recognition at last that reform requires changes in the law and not just resounding speeches and promises.

They would undoubtedly lead to greater stability and security for the urban black population. And greater mobility, too, within prescribed areas which are apparently going to be considerably enlarged.

It will be easier for qualified workers to bring their families to live with them. So-called "disqualified" people will be able to stay in an urban area for 30 days at a time instead of the present, cruelly brief 72 hours: so relatives and others will be able to do some reasonable visiting — and job-hunting.

Against this is the severe tightening up of the influx control regulations. As with speeding, they are to be enforced by the big stick of fearful fines. We doubt whether it will work: nowhere in the Third World has anyone been able to stop desperate people from migrating towards the cities. All that will happen is that there will be heavier punishment and more suffering.

But what is the purpose of it all?

Unquestionably it all forms part of a new Nationalist experiment in socio-political engineering. The old strategy of separate development, based on independent Bantustans, is not working. Something new has to be sought — and the new strategy is to try to forge an alliance with the emergent urban black middle-class and what might be called the black labour aristocracy.

The Wiehahn and Riekert Reports provide the basis for this. Dr Koornhof's Bills provide the legislative follow-through.

It is an attempt to limit the settled urban black population to a largely middle-class group, to separate it from the largely destitute black masses, and to try to win its allegiance by freeing it from the worst apartheid restrictions and allowing it to enjoy a rising standard of living in a growing free enterprise economy.

It is an interesting concept in the quest for continued white control. But two weaknesses suggest themselves.

The first, as black commentators have been quick to point out, is that this advancing black middle class will demand concomitant political advancement too — and that means a share in running the country, not just their own municipal affairs.

The other is that trying to cut off the destitute masses and thrust them away into rural backwaters hardly commends itself as a sensible strategy in a sub-continent where the pattern has been for revolutionaries to start their guerrilla wars in just such areas.

Two pretty fundamental deficiencies, we would say, in this blueprint for apartheid Mark II.



# Blackout on 72-hour curfew

AS SECRETLY as the Government's experiment on the 72-hour curfew law was carried out in Pretoria and Bloemfontein, so it ended — without a word being said — at the end of August

And still no one is saying how the experiments were carried out or what the results were

The only reply the Sunday Express got from the Department of Co-operation and Development — responsible

for the experiment in the two cities — was that "the experiments ended in August but no results are available yet".

A spokesman said changes in the pass system will be outlined to a meeting of editors. But he insisted the changes were not the result of the pass-law experiment

There was no comment to other questions the Sunday Express put to the department.

By BARRY LEVY

These included whether or not arrests were being carried out against 72-hour curfew transgressors now that the experiment had ended.

In the middle of last August — shortly before the experiment came to an end in the two cities — a Sunday Express investigation found that the

experiment had been temporarily suspended in Bloemfontein "because of unrest in the area"

In Pretoria a Sunday Express reporter, who visited the area to get a first-hand account of the method and progress of the experiment, was given the runaround from one Government department to the next

At each of the many offices visited — from that of an Administration Board inspector to the deputy direc-

tor's office and a Press officer of the Department of Co-operation and Development — the Sunday Express was told.

"We have instructions from the relevant Minister but we have been told not to talk about the experiment until it is finished."

This week again, the Sunday Express met with a similar response from officials in the two cities, who said the matter was "sub judice".

# Police pay out mother after arrest

A YOUNG Soweto mother has been paid R1 200 by the Minister of Police in an out-of-court settlement after being arrested in Hillbrow and locked in a cell with 12 other women.

Miss Angeline Ramovha, of Zone 1, Diepkloof, told the Sunday Express she spent three days in a Hillbrow police cell before being told she could go home

She was never charged and now, eight months later, still doesn't know why she was plucked off the street in broad daylight

Miss Ramovha was lucky. Her employers got in touch with the Legal Resources Centre and this week she received her cheque — for wrongful arrest and imprisonment

"Some of the other women I was detained with were also released without being charged. I don't think they got any money," Miss Ramovha said

Mr Geoff Budlender of the Legal Resources Centre said he had a number of similar cases pending against the police

Miss Ramovha was born in Sophiatown in 1958 and qualifies under Section 10(1)A for the right to live and work in Johannesburg. When arrested last

February she was two months pregnant. In her claim against the Minister, she said in a statement "After finishing my work as a domestic servant in Yeoville I was walking through Hillbrow to catch a bus home

"Suddenly I saw a police van stop in front of me. One white policeman, one black police-

3 DAYS  
IN A  
CELL  
FOR NO  
REASON

By NEIL MacLUCAS

man and a white policewoman got out of the van and came to me

"The policewoman asked me for my reference book, which I gave her. She then asked me whether I was employed, and I said yes

"They gave me my reference book back, told me to get into the van and took me to the Hospital Hill police station"

There she was questioned about her employer, had her fingerprints taken, and a policeman wrote down the "colour of my clothes"

"I was then taken to a cell where there were 12 women

"I didn't know why I was locked up and I was scared"

Miss Ramovha was arrested at midday on Friday and released on Monday morning

"We were fed twice a day on bread and tea. There were no

beds and we slept on dirty mats with smelling blankets"

On Monday morning the "prisoners" were taken to the "Bantu Commissioner's Court" in Market Street

"I don't know the court number, but I was called into the accused box. I never saw a magistrate or commissioner. A policeman told me I had been found not guilty and could go home"

Miss Ramovha's employers, who want to remain anonymous, suggested she take her case to the Legal Resources Centre

Mr Budlender said that the police initially filed notice to defend Miss Ramovha's action, but later withdrew and offered to pay her R1 200 for "wrongful arrest and imprisonment"

Miss Ramovha is now the mother of a one-month-old son, Stefan, but she still cannot understand "why the police arrested me and locked me up for nothing"

"I was paid some money though, so I think I was luckier than others," she said

Colonel Leon Mellet, of the Police Directorate of Public Relations, refused to comment on the allegation that Miss Ramovha was forced to share a tiny cell with 12 other women

"I am not here to comment on wild allegations made to the Press," he said. "As far as we are concerned the matter is closed"

● Miss Angeline Ramovha and her one-month-old son Stefan

Sunday EXPRESS 2/11/80 (206)

Sunday EXPRESS

2/11/80

206

# Tutu: Bills aim to limit urban blacks

ROOM 3/1/80

206 ~~228~~

Staff Reporter

THE SA Council of Churches concedes Dr Piet Koornhof's new draft legislation is an attempt to improve the conditions of "qualified" black people — but has warned that it aims to ensure that the number of so-called "qualified" blacks is restricted

In a statement on behalf of the SACC, its general secretary, Bishop Desmond Tutu, said "The Bills represent an attempt to improve the conditions of so called 'qualified' black people who are allowed in terms of legislation to live on a relatively permanent basis in South Africa

"At the same time, the proposed legislation ensures that the number of so-called 'qualified' black people is restrict-

ed," he said

The limited improvements granted to a limited number of people by the new draft legislation was interpreted by the SACC in terms of the 'total strategy' concept

The SACC rejected concessions meant to consolidate the refusal of the Government to share political and economic power with blacks

"The SACC has not yet been in a position to study the full text of the new Bill. It has, however, taken account of the newspaper reports. From these reports it is to be inferred that the Bills aim at implementing the recommendations of the Riekert Commission

"The Riekert Commission is a very efficient instrument to give a few blacks increased

privileges while turning the screws on the bulk of the blacks"

The SACC regarded South Africa as a unitary state and did not recognise the right of the Government to disqualify from living in this country any black born in it

It considered the Minister of Co-operation and Development's references to Abraham Lincoln and William Wilberforce, the slave emancipator, to be offensive to the people of South Africa.

The proposals implied that a growing number of blacks would be confined to impoverished rural areas and cut off from access to the common wealth built up by all South Africans over many decades, Bishop Tutu said

"Concessions do not compensate for the removal of South African citizenship from virtually all South African blacks and the more stringent exclusion from towns of those who do not possess Section 10 rights."

Bishop Tutu said the rural poor constituted a huge majority of blacks, cut off from access to the common wealth built up during a century of mineral and industrial development; bearing too large a share of the endemic poverty and unemployment; with their condition aggravated by the continuing removal of blacks from "white" areas to "resettlement" areas in or alongside overpopulated homelands in which people were already starving



THREE draft Bills were published last week by Dr Piet Koornhof's Department of Co-operation and Development. The Local Government Bill, the Laws on Co-operation and Development Amendment Bill and the Black Communi-

The first deals with local government by black people in townships outside the homelands and proposes to replace existing bodies with Village and Town Councils. The second provides for existing Administration Boards to become Development Boards. The third deals with the presence of black people in the so-called "white" areas outside the homelands. It repeals the Urban Areas Act except for the two sections dealing with "idle and undesirable" people and with the curfew.

It is impossible to understand what the future pass law structure will mean in detail until the proposed new Black Labour Bill and the new legislation dealing with identity documents is published, together with the extensive new regulations which will have to be drafted. But it is clear that these are "pass laws" whatever new names are devised and whatever

to move it is well-nigh impossible unless the prospective employer is prepared to assist them financially in obtaining a 99-year lease on a township site or to provide a house for them.

The officially acknowledged waiting list for houses in Soweto is now 33 000 families. The shortage of family accommodation in all the rapidly developing urban areas where jobs are offered puts severe restrictions on the new and very relative "freedom of movement" allowed to some black people. Not many can afford to stay in hotels until accommodation becomes available, as suggested by the Minister.

What this legislation does do is to remove the rights which are entrenched in Section 10 of the Urban Areas Act. These rights are limited and the Section imposes totally unacceptable restrictions on the majority of black South Africans, but for those who are entitled to them they can be enforced by the courts. Section 10 does allow some degree of controlled urbanisation even although this was severely restricted by the introduction of the one-year

were born or who have worked continuously for one person in one town for 10 years or who have been lawfully resident in one town for 15 years. Those people who are at present a year or two short of the full 10 or 15 years and who are working towards gaining the precious qualification will be forever excluded from the privilege of working without registration because Section 10 will now disappear.

(c) People who are 10(1)(a) or (b) in one area when the new Act comes into force and are taking up employment and have accommodation in another area. As has been said, this provision is already in force, but the new legislation excludes those who qualify as 10(1)(c), who were included in the June amendments.

(d) Those people who own or lease a house in the townships

(e) Foreigners who have permission to take up employment

The above are classified as bona fide employees. "Visitors" are also exempted. They are classified as "visitors" if they have been in the

DOM 4-11 80

206

# Koornhof's new Bills: Call them what you like, they're still pass laws

By SHEENA DUNCAN of the Black Sash

an overheated imagination. Refer to Clause 32 (4) (a). To enforce all this inspectors may be appointed by the Department of Co-operation and Development by a Village or Town Council. Such inspectors shall have all the powers conferred on members of the South African Police in terms of Section 43 of the Group Areas Act to "without warrant at any time during the day or night without previous notice enter upon any premises whatsoever and make such examination and enquiry as may be necessary; at any time and at any place require from any person who has in his possession or custody or under his control any book, document or thing, the production to him of that book, document or thing then and there or at a time and place fixed by him . . ."

As an encouragement to Village and Town Councils, to ensure that their inspectors are zealous in carrying out their duties, Clause 29 of Chapter VII of the Local Government Bill provides that "the funds of a council shall consist of: (a) every amount or fine received by such council . . ."

Dr Koornhof will have to do much better than this if he wishes to persuade the world, let alone black South Africans, that he is getting rid of hurtful discrimination and eliminating the demerits. Discrimination cannot be eliminated until black South Africans enjoy the same political rights and the same freedom of movement as do white South Africans. They must be afforded legal rights not privileges and concessions

can, that he is getting rid of hurtful discrimination and eliminating the demerits. Discrimination cannot be eliminated until black South Africans enjoy the same political rights and the same freedom of movement as do white South Africans. They must be afforded legal rights not privileges and concessions

can, that he is getting rid of hurtful discrimination and eliminating the demerits. Discrimination cannot be eliminated until black South Africans enjoy the same political rights and the same freedom of movement as do white South Africans. They must be afforded legal rights not privileges and concessions





claims are made that they are designed to remove "hurtful discrimination."

Whether it is called a Book of Life, a Passport, a Document of Identity or a Reference Book, the essential document remains a pass and is described in the definitions of the Black Community Development Bill as the document "whereby the identity and right to be at the place where he is, can be established" Clause 51 of Chapter VI says "Any person who fails without reasonable cause or refuses to produce on demand to an authorised officer any authority, permit, licence, certificate or other document which such person is required under this Act to hold or possess, shall be guilty of an offence."

Many of the clauses in the Bill are identical to, or very similar to, those in existing legislation. The powers given to the Minister are extensive. The onus of proof continues to rest with the black person. He is presumed to be guilty until he proves himself to be innocent.

The powers of the Minister to disestablish or abolish townships and relocate the people elsewhere remain. His powers to force a local authority to ensure that accommodation and amenities are made available for black people who are employed in the area are still there but, in the absence of any legal rights for black people which would enable them to insist that the Minister exercises this power, it remains a matter of his discretion and subject to fluctuations in Government policy. Between 1968 and 1978 the policy was that no further family accommodation should be provided in urban areas. Assurances that this policy is now changed are welcome but are no guarantee against future reversals.

The limited concession that those black people who have rights to remain permanently in an urban area may move to another town, provided that they have a job and accommodation to go to, is not new. This provision was introduced in amendments to the Black Labour Regulations on June 13 this year and new legislation was not required to provide for it. Dr Koorhof is not correct when he claims that it gives to black people the same freedom of movement as is enjoyed by white people. Black people have to prove that they have the necessary qualifications to make use of the concession and that they have a job and accommodation. White people do not have to prove any one of these things.

In the experience of the Black Sash Advice Office in Johannesburg, this concession is of value to those young single black people who were born and have grown up in small towns where there are few employment opportunities. They can find lodgings as single people with relatives and friends once they have an offer of employment. But for family men wanting

The new Bill does not allow any further urbanisation to take place. The outsiders remain outsiders and the trend, which has been evident in the last two years and particularly in the Rieckert Commission report that people who live in the homelands are to be increasingly excluded from participation in the central economy and from sharing in the benefits of economic growth, is accelerated and entrenched.

As recommended by the Rieckert Commission, controls over black people are being removed from the streets to the places of employment and accommodation and these controls will indeed be more efficient than they have ever been in the past. All black people in white areas are "disqualified persons" unless they fall within certain exempted classes.

In the townships they are disqualified persons unless they are "authorised" to be there but, apart from those who may become holders of a 99-year lease, there is nothing in the Bill to indicate who will be authorised to remain in a township, and nothing which appears to confer any legal rights on those who do not already have a site or residential permit to remain there. There is only a presumption that those who are exempted, and are therefore allowed to be in white areas outside the townships for employment purposes, are also allowed to be in the townships for residence purposes if they have accommodation, provided that they are not commuters. (Commuters are those people who travel to white areas from homelands on a daily basis).

A right of leasehold shall be granted only to South African citizens or to former South African citizens who are now citizens of independent homelands and to their descendants, provided that they are lawfully resident in the urban area and are "not required by any law or by any bilateral agreement to return to a national state on the effluxion of any period of time". The Minister may approve the granting of a leasehold right to any person, group or category of persons in addition to the above.

Outside the townships all black people are disqualified unless they fall into the following exempted classes:

(a) People who are not foreigners and who are in lawful employment and have approved accommodation. Until the new Labour Bill is published we will not know how a person is to obtain "lawful" employment, but it is clear from the provisions in this Bill relating to the licensing of recruiting agents and recruiting only through official employment bureaux that this will remain under the strictest control.

(b) People who qualify in terms of Section 10(1)(a) or (b) at the time the Act comes into force. These are the people who have lived continuously in one town since they

is used to visit, or those in rural areas who have the approval of the owner of the land on which the person they are visiting is lawfully resident, and foreigners who have been given permission to visit. The authorisation to visit must be endorsed in "a document prescribed for the purpose" (ie a pass?).

Permission to visit is not required for a person visiting a lawful resident in a township for less than 30 days in any one calendar year, although how this is to be monitored is not explained.

A bona fide visitor is also a guest in a hotel or a patient in a hospital or asylum or a scholar or student at an official educational institution who is accommodated in premises provided by the institution. A commuter is also a bona fide visitor.

A visitor's permit may not be refused to a dependent of a person who is not domiciled in a homeland and who is not a foreigner if the dependent is to reside with that person in approved accommodation. Dependents are defined as a wife, unmarried children as long as they are dependent upon their parents, disabled children and infirm and dependent parents.

Any black person who is in a white area and is not exempted as above from the disqualification conferred on him by his blackness, and who is found in unauthorised employment or in unauthorised accommodation, can be fined up to R250 or sentenced to three months' jail for a first offence. The person who employs him or introduces him into the area or allows him to remain or to be accommodated is liable to a maximum fine of R500 or six months' jail for a first offence and for a second offence to a minimum fine of R250 (maximum R500) or at least three months' jail (maximum six months), or to both the fine and imprisonment, or to imprisonment without the option of the fine.

The onus of proving himself innocent is on the accused. (The complicated clause in the documents issued to the Press dealing with these penalties has a sub-heading, "Offences in respect of occupation of land in controlled area and in townships". It talks of people in controlled areas without mentioning townships and has 268 words before the first fullstop).

The court convicting a person who is found guilty of "unlawfully occupying" may suspend the penalties on condition he is repatriated to his home or renders such community service as may be determined, or is enrolled to be trained as an artisan for a period stipulated by the court. One supposes this is one way of solving South Africa's acute shortage of skilled workers.

If the person is convicted for a second time and if the court is satisfied that he used a motor vehicle to commit the offence the vehicle may be declared forfeit to the State. This is not a figment of

RDM  
4/11/80  
206



# Bills 'could increase' race tension

CPPT  
Times  
6/11/80  
206

Political Correspondent

THE chairman of the Progressive Federal Party federal executive, Dr Alex Boraine, said last night that proposed new regulations for urban blacks could increase racial tension

He said in a statement that the draft legislation proposed by the Minister of Co-operation and Development, Dr Piet Koornhof, was good in parts — some obnoxious provisions were being removed but influx control was retained

Dr Boraine also noted that blacks in the Western Cape were still excluded from buying houses on leasehold, one of the major ways blacks in other areas could now qualify for permanent urban residence

Dr Koornhof's draft bills showed some tinkering with the framework of regulations on urban blacks but the government had yet to show concrete evidence of a fundamental departure from Verwoerdian apartheid

Influx control, although modified, would still be in operation, problems created by the production of documents on demand had not been fully dealt with and blacks were still excluded from owning freehold land in urban areas

"I am also not convinced that using the Group Areas Act to control the residence of blacks in urban areas will facilitate sound relations between white and black. Indeed, it can only exacerbate existing tension," he said

On the other hand, the bills represented a belated recognition of the permanence of blacks in urban areas and generally appeared to stabilize the position of blacks living in recognized townships

They also removed some of the more obnoxious present provisions allowing for harassment of black citizens and gave a more meaningful form of local self-government to black municipalities

"To what extent the spirit of the new bills will be carried into practice depends very much on the action of police and other officials," Dr Boraine stated

(News by M P Acott, 77 Burg Street, Cape Town)

(225) (206) KUM  
**Sash: Dr K's Bills  
mean tougher curbs**

Staff Reporter

HEAVIER restrictions will be imposed on most blacks if three draft Bills prepared by the Government become law, according to the Black Sash

Software is r  
processing sy  
of its costs.  
currently spe  
gure is estim

Details of the Black Community Development Bill, the Local Government Bill and the Law on Co-operation and Development Bill were released last month by Dr Piet Koornhof, Minister of Co-operation and Development

There are dis  
factors infl

Dr Koornhof said they were a genuine attempt to remove hurtful and unnecessary discrimination in the statutes and invited ideas for improving them.

In a letter to his department the Black Sash has rejected the three Bills "because we believe that they do nothing to ease the

restrictions on the vast majority of black people, that in fact even more onerous restrictions are to be imposed upon them"

The letter says "While a small proportion of black people are to be marginally better off, this is to be at the expense of their Section 10 'rights', which are to be exchanged for 'exemptions'

"For as long as influx control is imposed and administered it will be necessary for those whom it controls to carry some form of identification and exemption.

"Whether this is termed a reference book or a book of life or whatever, it remains a 'dompas' in the minds of its bearers, in the minds of those administering the law and therefore in actuality"

of any data

significant part

ing industry

are. This fi-

sting to see what

these types.

own computer hard-

In the

ware. Because of the research and the development required hardware is now virtually always bought ready-made.

The software most closely linked with the hardware are Operating Systems. This software is also typically bought ready-made, for the same reason as for hardware.

In the 1960's companies still made their own utilities such as sorts and their own technical software for statistical and engineering applications. Such software is now also mostly bought ready-made, since the problems are simple and well understood.

In the 1970's software has become available for such general tasks as payroll and financial accounting. These are now considered more or less as utilities and are therefore typically bought ready-made.

The final and most important level may be called Special Application Software. This consists of applications that are specific to a particular business. Through its high level of integration this software is extremely complex and ready made packages are therefore more difficult to apply.

Special Application Software (SAS) has several important characteristics:

- it is typically closely linked to the "nuts and bolts" of a business e.g. customer handling, production control
- it is highly integrated and changes are difficult to make
- it must serve the decision making needs of the organisation and must therefore be able to grow with the organisation.



# Prediction of outrage at new influx law

STAR  
18/11/80

206

By Drew Forrest

The response of urban blacks to proposed new laws on influx control would be one of "utter frustration, anger and outrage", the Black Sash has said

Three draft bills — the Local Government Bill, the Laws on Co-operation and Development Amendment Bill and the Black Community Development Bill — were recently published by the Department of Co-operation and Development

They deal with local government for black townships in white areas, changes in the Administration Board system and controls on the movement of blacks and their presence in white areas

In a letter responding

to a Government request for public comment, the Sash "totally rejects" the Bills saying the restrictions imposed by them would be "even more onerous" than those currently in force.

The marginal improvements proposed by the Bills would be offset by their abrogation of legally enforceable residence rights

There was a further danger that most of the Press and the public had accepted that controls would be liberalised by the Bills

But the administration of the laws would show them to be "no less restrictive and in some instances more so," the letter states, and the reaction of Blacks would inevitably be one of "utter frustration, anger and outrage"

206  
Ch<sup>206</sup>urches  
condemn  
'key law'

THE Provincial Council law granting officials the right to demand keys to enter the quarters of domestic workers was this week condemned by leaders of 26 Congregational churches representing 13 000 church-goers in the Western Cape at a meeting in Rondebosch.

The law was passed at the last session of the Cape Provincial Council but has not yet been gazetted.

The law requires householders and flat-dwellers to keep a register of servants and a key to the servants' quarters which may be demanded at any time between midnight and 8 am by police or municipal officials in the areas where the legislation applies.

A statement issued after the meeting read:

"The Peninsula regional council of the United Congregational Church of Southern Africa strongly deplores the recent legislation of the Provincial Council compelling home and flat-owners to have duplicate keys to the rooms of their domestic employees available on demand to policemen and other officials.

"It condemns this as an invasion of the ordinary human rights of privacy and as a measure that will exacerbate race relations in our society."



# Pass raid police propositioned me, says claimant

STAR 19/11/80

206

Police on pass raids frequently arrest black people even when their passes were completely in order, a church official told a Johannesburg Magistrate's Court yesterday.

Miss Joyce Mokhesi, secretary of the Catholic Laity Association, said police unjustifiably arrested,

manhandled, "propositioned," and insulted her in a pass raid on January 18.

She is suing the Minister of Police, Mr. L. G. Grange, for a total of R2 000 for false arrest, pain and suffering, and crimen injuria.

She described the raid and her subsequent three hours' detention after she had come from Sharnville, to Johannesburg to visit the Catholic Diocese office at St Mary's Cathedral.

## GRABBED

She said she produced her pass on demand by a black policeman. He paged through it and said he was arresting her. She asked him to accompany her to the cathedral office, a few blocks away, but he refused.

A white policeman then grabbed her by the back of the neck and shouted: "Gaan jy, kaffer" (Go on, you kaffer) and pushed her into a police van.

The van stopped for several more arrests, then went on to Hillbrow police station, where she and 10 others were fingerprinted and had their personal particulars noted.

One policeman touched her breasts and "propositioned" her saying: "If you don't agree, you're going to be locked up the entire weekend."

## "TOO LATE"

"I asked him, 'Is that the way it's done here?'" and stopped him," Miss Mokhesi added.

Police repeatedly refused to contact the cathedral, she said, and one told her it was too late, because the detention papers "have been filled in."

Three hours later a plain-clothes supervisor released her.

Mr Geoff Budlender appeared for Miss Mokhesi, Mr J B Van Zyl for the Minister.



# What will Dr Piet's reforms really mean for blacks?

DD 20/11/80

~~118~~ ~~334~~  
206

rights But the Bill does not say anything to indicate that children born after the new law comes into effect will also have the right to be in the cities Nor does it say anything about those who are currently working towards qualifying as urban residents through fulfilling the 10-or 15-year requirements.

16. Policemen and designated officials can at any time of the day or night, without warrant, enter anyone's premises, whether in black townships or white suburbs, to check on illegals. They can demand and seize "any book, document or thing"

## CONCLUSIONS

1. The situation of blacks who already qualify to be in the cities is barely altered There is no major, fundamental improvement for them. The new freedom being given to them does, however, create rather more geographical space in which they can move. Even this, however, is still subject, as at present, to compliance with registration procedures for work and accommodation.

2. The greater right of some men to have their wives and children with them is likely, in a number of city areas, to be meaningless for at least the next few years because of the housing shortage Without "approved housing" being available, the wives and children will not be allowed into the cities

3. Life is going to be tougher for those in the rural areas who want to get to the cities The penalties for doing so without permission will be greater

4. There will be greater pressure, through increased penalties, to discourage people in the cities from giving work or accommodation to illegals.

5. The reference book, or pass, or dompas, will disappear But it will simply be replaced by another document

6. Legal sanctions against offenders will continue That is, blacks will continue, as matters stand now, to face instant arrest It seems that pass arrests will continue on the same scale unless the higher penalties deter more people from seeking to get to the cities. In 1978, a total of 272 887 people — 224 910 men and 47 977 women — were arrested under influx control laws.

7. The present influx control and pass laws are not materially changed by the proposed legislation. The present rigid control over blacks remains.

8. Policemen and officials will continue to have the same vast powers as they have at present to enter premises, to search and to seize, without having to produce a warrant — DDC

homeland, or orders him to do compulsory "community service" (the details of which are not specified), or orders him to train as an artisan for however long the court determines

8. Cars used in the transport of illegals (presumably whether to bring them into the cities, or even to drop them off at a bus stop after work) can be impounded on a second offence Hence, in effect, a fine running into several thousand rands

9. Wives and children of qualified workers — those with the right to be in the cities — will only be able to live with their menfolk if "approved accommodation" is available for them (The current housing shortage in Soweto is estimated at 30 000)

10. The legal movement into the cities of unqualified people — those living outside the control areas — will be determined by the availability of jobs and suitable accommodation This, as at present, will be subject to authorisation by official labour bureaux

11. Qualified people will have to carry a document to prove their right to be in the city They will have to produce this document on demand by a policeman or designated official Unless there is a change in the law, presumably they will as at present be subject to instant arrest and prosecution if they cannot prove their right to be where they are.

12. A disqualified person can be ordered to be repatriated to his home, or to a place where he qualifies to be, or "to such other place" as may be decreed Money belonging to him can be seized to help defray the costs of repatriating him, his dependants and household effects.

13. The language in the 47 pages of the Bill is complex and often tangled One crucial sentence dealing with penalties, for example, runs to 268 words Even experts on influx control are uncertain about all the ramifications of the Bill

14. As at present, the minister retains his vast discretionary powers to make regulations as he sees fit.

15. Those who at present qualify to be in the cities will retain their

Dr Piet Koornhof, the Minister of Co-operation and Development, has announced three Bills which he says are an attempt to remove hurtful racial discrimination in the lives of blacks

He has noted his belief that influx control is necessary to maintain order and stability in urban areas and to prevent problems associated with squatting But he describes his proposed legislation as part of a process of reform, and as part of his declared war on the "dompas"

The Black Community Development Bill is the key to what is planned It retains aspects of current law, and introduces new elements If left unaltered, what will it mean in practice?

**BENJAMIN POGRUND,** in consultation with **SHEENA DUNCAN** of the Black Sash, cuts through the mass of words and "legalese" to assess it

These are the pros and cons

## PROS

1. Good intentions Dr Koornhof says the new system "may not be perfect," but is still a genuine attempt to get rid of hurtful discrimination as far as possible It is part of a process of reform

2. The public was invited to submit representations (two weeks was allowed) on all three Bills before they are placed before Parliament for enactment

3. The three Bills wholly or partly repeal 50 existing laws

4. The present 72-hour limit on rural blacks being allowed to visit cities without permission is extended to 30 days (but see note No 2 under "Con")

5. It will be easier for the wives and children of some men who already qualify to be in cities to live with their menfolk (but see note No 9 under "Con")

6. Greater freedom of movement will be possible for those who qualify to be in the cities — through geographical enlargement of the "control areas" in which they can live and work, and in moving from one control area to the other

## CONS

1. Disqualified workers found in the cities — those who do not have permission to be there — will pay



Dr Koornhof at a meeting last year with Chief Lennox Sebe

higher fines: R250 and/or 3 months' imprisonment (instead of the present maximum of R100 and/or 3 months' imprisonment)

2. Allowing rural blacks to visit city townships is for a maximum of 30 days in a year, and is dependent on "suitable and adequate housing" being available the onus of proving that the 30-day limit has not been exceeded rests on the person concerned

3. Those who harbour — give accommodation to — illegal disqualified people will face fines of up to R500 or six months' imprisonment On a second offence, committed within two years, the fine is a minimum R250 or 3 months' imprisonment, or both the fine and the jailing, or compulsory jailing up to six months

4. Those who give work to disqualified people will continue, as at present, to face fines of up to R500.

But the present option of three months' imprisonment is increased to six months On a second offence, committed within two years, the fine is again a minimum R250 or three months' imprisonment, or both the fine and the jailing, or compulsory jailing up to six months

5. Those who harbour or give jobs to disqualified people can also be ordered to pay the cost of repatriating the illegals to their homelands, together with their dependants and household effects — plus the costs of their detention

6. The onus of proving that a person had no intention of giving work or accommodation to a disqualified person rests on the accused

7. The criminal penalty imposed on a disqualified person can be suspended if the court orders his repatriation to a



CT 22/11/80 (206)

## Charges withdrawn against Langa boy

Staff Reporter

**CHARGES** against a 15-year-old youth who appeared before the Langa Commissioner's Court for being in the Cape Peninsula illegally and for not having his identification with him were withdrawn yesterday.

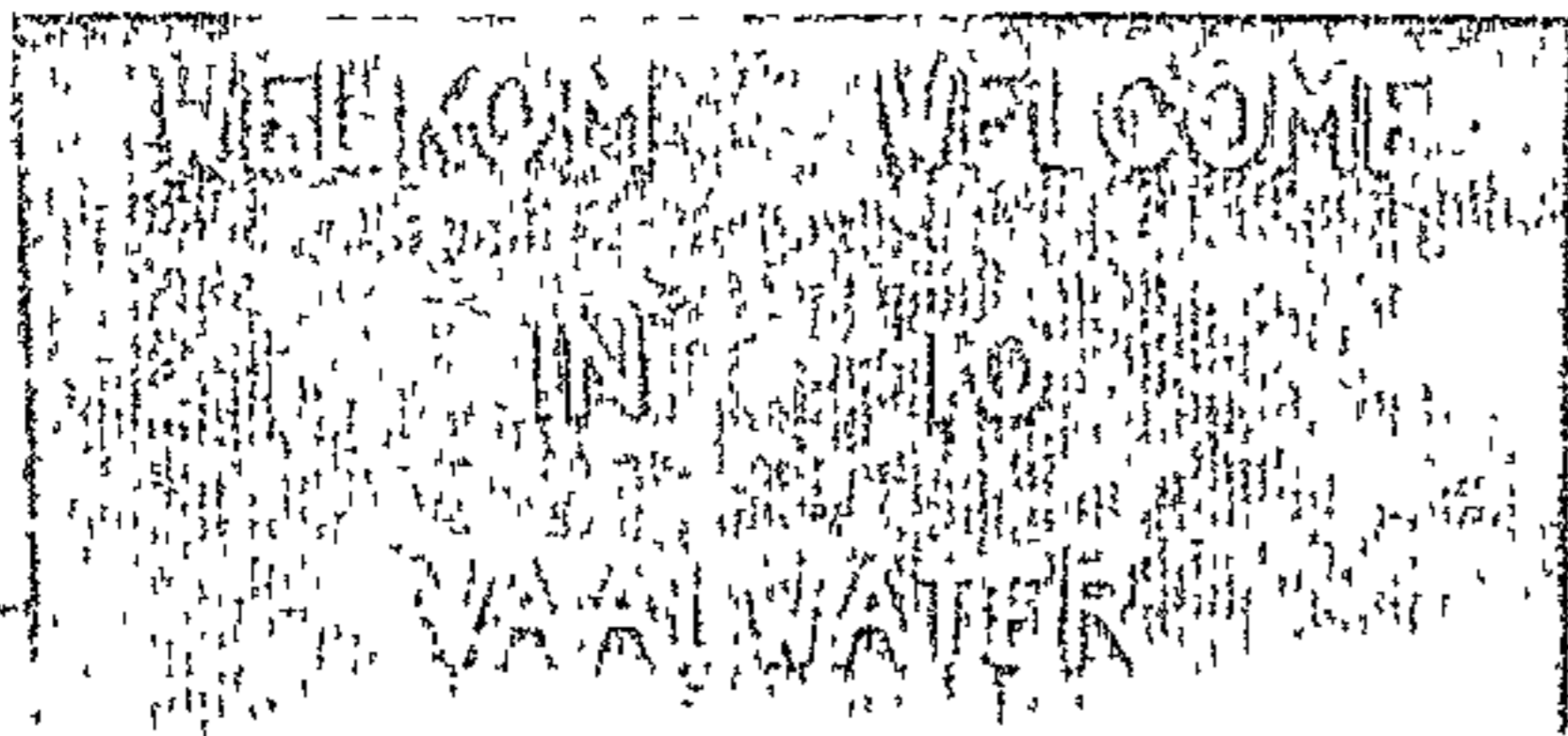
The youth faced charges under section 10 (4) of the Urban Consolidation Act and under section 15 (1) of the Black Abolition of Passes and Co-ordination of Documents Act of 1952.

He told the court he was born in Cape Town and his mother qualified to be in the area.

The court withdrew both charges after it was established that the youth was under age, was not required to carry a reference book, and also qualified to be in the Peninsula.

Mr W. Fourie presided. Mr D Mngomeni appeared for the State. Ms L. Goldberg appeared for the youth.





Black families are far from welcome in the village of Vaalwater, but single black men are allowed in to work for whites on a contract basis

WHITES in Vaalwater in the Waterberg constituency of Dr Andries Treurnicht, leader of the National Party in the Transvaal, are seething with discontent over the implementation of influx control.

Vaalwater's white inhabitants say life has not been the same since the Government made their village "white by night".

Black families, who lived in the Vaalwater location have been moved to Steilloop, 100 km away in the Lebowa homeland.

The removals have dried up the availability of black labour for white traders and housewives in the dorpie.

And the local labour bureau has also tightened up on the 400 white villagers' use of "unproductive" labour from neighbouring farms.

Local officials define "unproductive" farmhands as "illegal squatters" who should be sent back to the homelands.

Farmers and traders in the area — including Government supporters and staunch members of the ultra-Rightwing Herstigte Nasionale Party — agree that the family life of their black workers is being destroyed by influx control.

Black men who have worked in Vaalwater for years must now live in single-sex hostels, while their wives and children have been moved to Steilloop.

Prostitution is flourishing on neighbouring farms among women who charge hostel dwellers for sex.

White business has taken a knock, according to Vaalwater traders, because black men are earning their money in Vaalwater but spending it in Steilloop.

Discontent over the effects of influx control on life in the Waterberg was voiced to the Rand Daily Mail by both English and Afrikaans-speaking farmers — Nationalists, HNP men and Opposition supporters.

Sources in the district told the "Mail" that the authorities had been warned, when plans to remove the location first became known, that the move would create hardship for men forced to live in hostels.

The authorities were also warned that the removals would have a ripple effect on the surrounding farms.

One Nationalist trader, a supporter of the Prime Minister, Mr P W Botha, said the influx control measures were breaking down good race relations, which he claimed had existed for years between whites and their black workers.

If they did these things to me I would become a rebel," he told the "Mail".

An English-speaking farmer said Nationalists in the area had never realised what impact the implementation of influx control would have on Vaalwater.

He said the controversial influx control measures formed part of the Government's policy to have as few black workers as possible in the "white" areas, preferring to see farmers recruiting their labour from the homelands on a contract basis.

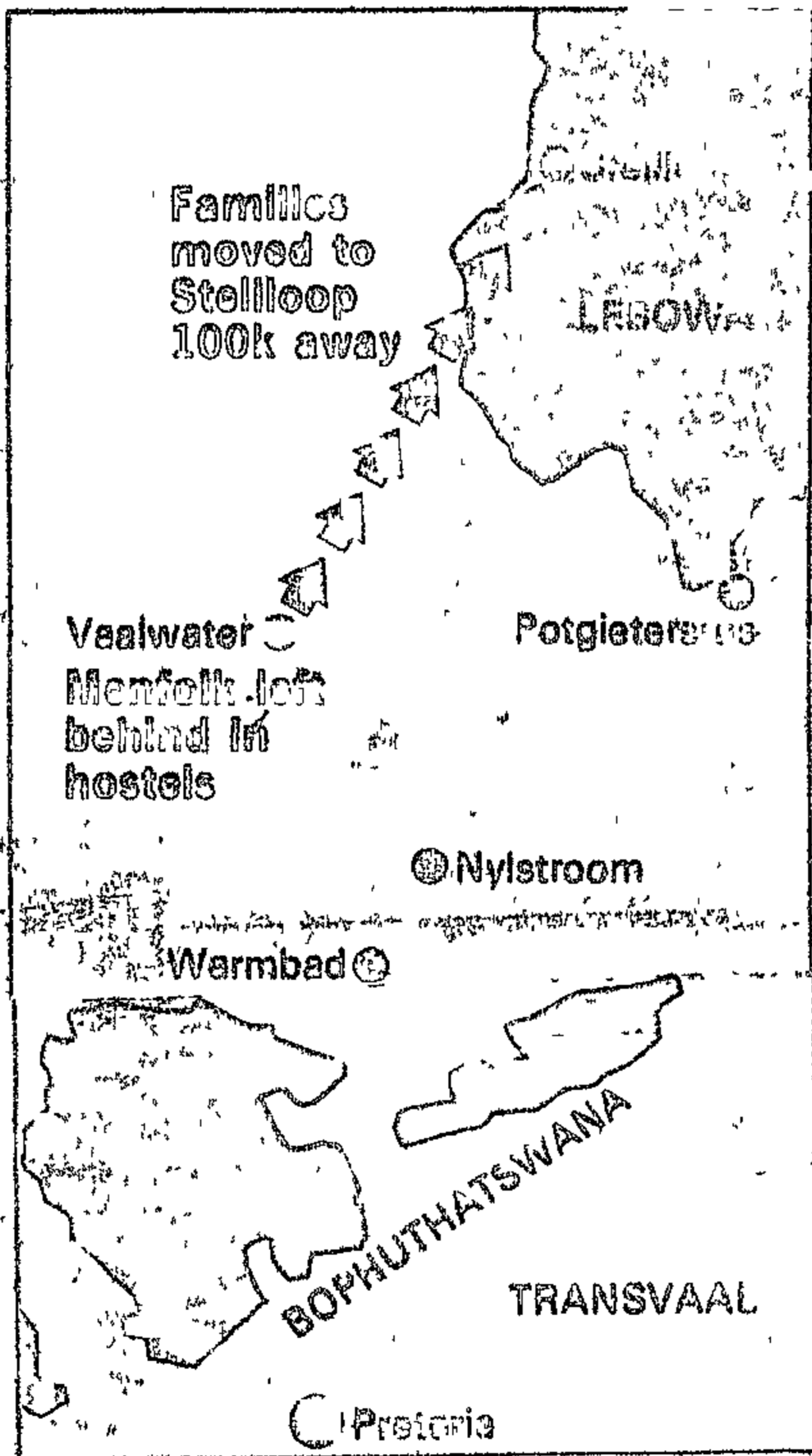
But it was important for tobacco farmers to have a permanent skilled labour force, he said.

Descendants of Boer and Brit have farmed cattle and tobacco side by side in the fertile Vaalwater district since their forefathers fought each other at the turn of the century.

The Waterberg has traditionally been a Nationalist stronghold but HNP sources claim their support is growing in the area because of their disen-

# Vaalwater's bitter taste of its own ideology

THE people of the Waterberg, arguably the most Rightwing constituency in the country, are beginning to find apartheid hard to accept as influx control wreaks havoc with their lives — and those of their black labourers. ROB MEINTJES visited the heart of the area, the dorpie of Vaalwater.



chantment with Dr Treurnicht's failure to "stand up to" Mr P W Botha.

When the supply of black labour started drying up in Vaalwater, white traders and housewives took to "poaching" labour from the farms.

To halt this trend the local labour bureau tightened up on the use of farm labour by inhabitants of Vaalwater, who are now expected to employ men housed in the single-sex hostels.

White employers have been threatened with fines for employing workers "illegally".

administration board official told a farmer.

"The unproductive ones must find shelter somewhere else if they are not prepared to work on the farms," the official said.

He described blacks in the "white" area of the Waterberg as "intruders", seemingly oblivious to the fact that many of the farmworkers — as well as their fathers and grandfathers — have lived all their lives on farms in the area.

A tobacco farmer said one could not merely say that black farm workers should be allowed to sell their labour freely.

Contractors working temporarily in the area could offer much higher pay over short periods than farmers could hope to sustain over the years.

Farmhands who took lucrative jobs with passing contractors invariably left their families on the hands of farmers while they were away, he said.

The farmer said the administration board did "a reasonable job" combatting this "poaching" of skilled labour and he agreed with this method of eliminating "cut-throat competition".

He said these contractors should get their labour from the homelands.

But he felt the official policy that "unproductive" labour should be sent to the homelands was "very harsh".

Anger at the "unreasonable" stance of the local labour bureau was expressed by a cat's farmer: an HNP supporter and grandson of an Irish settler who fought on the side of the Boers against the British.

The farmer told the "Mail" that the local labour official had refused to allow two women from his farm to work for townsfolk who needed their services.

The official had told him the two young women could not work in Vaalwater because their parents were not in his registered employment.

One of the women is Miss Naome Malope, a former teacher in the area whose father died several years ago after working on the farm since 1966.

She lost her job 12 months ago when education authorities ruled that her Standard Six qualification was inadequate for the post.

Miss Malope lives on the farm with her mother. She has five children.

Miss Molly Selomang, the other young woman, is the daughter of a pensioner who worked for the farmer and now lives on his farm.

The farmer said he could have the women and their "unproductive" parents and children evicted from his farm as "illegal squatters". Although he did not wish to do so he could get a bad name in the district for allowing "idlers" on his farm.

He said the two young women had three choices, prostitution, theft or "living on their own".

"If a man refuses to work they can chase him into the Sahara as far as I am concerned."

"But if he is willing to work and there is work available it is inhuman to stop him from working."

"He is not taking work away from anyone else."

He said it did not make sense to keep labourers unemployed and starving for 11 months simply because they were needed for farm work one month of the year.

"Where is all this free enterprise Mr P W Botha is talking about?"

The labour bureau will not grant permission for farm people to work in Vaalwater unless they obtain permission from the farmer, the local farmers' association and the district agricultural union.

The helplessness of black farm workers is crowned by official policy as implemented by the local administration board the moment a farmhand becomes "unproductive" he is defined as a "squatter" liable to removal to a "homeland".

"We must punish them for being unproductive," the local



# Doubts over black rights in new Bill

By STEVEN FRIEDMAN  
Labour Reporter

LAWYERS claim that the Department of Co-Operation and Development is seeking to prevent black workers from testing their influx control rights in the Supreme Court.

The disagreement between the lawyers and the department arises from the proposed Black Community Development Bill, released recently by the Minister of Co-Operation and Development, Dr Piet Koornhof.

Lawyers say they believe Section 62 of the Bill drastically curtail the rights of blacks to appeal to the Supreme Court against official influx control decisions.

They say this could also prevent workers going to the Supreme Court for a "declaration of rights" — such as in the recent Komani case, which established the right of a man qualified to live in the cities to have his wife living with him.

But yesterday a senior legal man in the department denied emphatically that the Bill was intended to curtail these rights, or could have that effect.

"Section 62 changes nothing. The Supreme Court has an inherent right to hear any matter, and the Bill does not alter that," he said.

However, lawyers who insist that an appeal is precluded, fear this will place blacks "at the mercy of officialdom".

They say the Bill will also make the work of organisations who take up influx control cases on behalf of black workers much more difficult, because "they are very often successful only because officials know their decisions could be challenged in the Supreme Court".

Section 62 of the proposed Bill lays down which judicial authorities will be competent to hear certain cases.

The Bill, when it becomes law, will lay down procedures for influx control. Any contraventions will be heard by a Commissioner, who is a senior department official. Any civil matter connected with the new law will be heard in a Commissioner's Court, "irrespective of whether or not the matter concerned is ordinarily beyond the jurisdiction of such a court".

There are two exceptions. Cases dealing with 99-year leasehold may also be heard by a magistrate's court, and existing procedures in the Black Administration Act still apply and override the new section.

This Act applies mainly to civil cases between blacks, and establishes a special appeal court within the department which can hear appeals against decisions of the Commissioners' Courts.

Appeals to the Supreme Court against these decisions will be permitted only if the department's own Appeal Court for Commissioners' Courts agrees.

According to several senior legal men, the effect of this will be to bar appeals by blacks to the Supreme Court in influx control cases.

One said that it appeared that appeals could still be lodged with the Appeal Court for Commissioners' Courts, but these bodies had the power to refuse leave to appeal to the Supreme Court.

Prof Nic Olivier, the Progressive Federal Party's research director, said the lawyers' interpretations appeared to be contradicted by the fact that the provisions of the Black Administration Act would apply.

However, he added that the entire clause seems to be self-contradictory, and the simplistic interpretation could well be correct.

# It's no new deal

*206 rom 2/1/68*

**S**ENIOR lawyers are convinced that Section 62 of the Black Community Development Bill will drastically curtail the rights of blacks to appeal to the Supreme Court against official decisions in influx control cases. And that the effect will also be to prevent blacks from going to the Supreme Court for any declaration of rights.

The possibility of these inroads into rights of legal access is, however, denied by a senior legal man in the Department of Co-operation and Development. He says the Bill is not intended to do this.

The assurance is welcome. But in view of the assertions made by leading lawyers, what is obviously needed is a rewording of Section

62 to remove any ambiguity. What is also still needed is clarity on exactly what the clause is supposed to bring about.

That is one aspect of the Bill. Going far further, what is also required is an explanation of how Dr Koornhof has conceivably been able to view and describe the Bill as a whole as offering meaningful and positive progress to blacks.

That it does anything but this emerged in the assessment which we published last week. The conclusions we set out have now been underlined by Chief Gatsha Buthelezi in written memoranda to Dr Koornhof.

The hope must be that Dr Koornhof will heed the objections and withdraw the Bill.



206

# FOCUS

Three draft bills to be implemented in the new year have been introduced by Dr Piet Koornhof. One, the Black Community Development Bill, repeals the Urban Areas Act which institutionalized the system of pass laws in the twenties.

Dr Koornhof's proposals will bring the problem into sharp focus in the new year.

# A lifetime's struggle against the system

"I WILL NEVER carry a pass I will only carry a pass similar to Mrs Strydom's. She is a woman and I am too. There is no difference."

Mrs Annie Silinga, now seventy years old and confined to a wheelchair, said these fateful words to the crowds gathered on the Grand Parade, Cape Town in 1954 in the wake of the pass laws being extended to women.

Today she remains true to her word and refuses to carry a pass, making it impossible for her to obtain a disability grant or pension benefits.

"There are changes all the time but these are not what we want. The kind of changes we want have been spelt out in the Freedom Charter.

"The pass laws force people to prove that they have permission to be in a particular area — all people of this country should have the right to move about freely whether they are white or black."

The necessity for African women to have a permit to be in a prescribed area for more than 72 hours was introduced on different dates in different areas. In Johannesburg, it was March 10, 1959. In Cape Town, women were arrested from 1954 on-

In a tiny two-roomed house in Langa, there lives a woman whose life's story remains a legacy to the struggle against the system of pass laws.

Mrs Silinga suffered arrest after arrest. "I cannot remember how many times I was arrested, but it went on for years," she said.

An active member of the ANC Women's League, meetings attended by women from all over the Western Cape.

"We had representatives coming from as far afield as Worcester to discuss all the injustices suffered by women," said Mrs Silinga.

"I asked the women why we must be made to carry passes while other women carry identity documents. Pass laws are not good, I said. We won't be able to move about as we want to."

How right she was. Today no African woman can enter a prescribed area for purposes of employment or residence unless she was born in the area and has lived there continuously.

She can prove she has lived continuously in the prescribed area since the day on which the permit system was introduced in her area or for 15 years.

rejection of segregation. "I walked into the white waiting room at the railway station with five other women and we were all arrested and held in prison for a month. Charges against us were dropped. Hundreds of other people were arrested in the Cape and thousands throughout the country, but the defiance continued."

She was eventually deported to the Transkei in 1955 where she remained for a month. She returned to Cape Town and was sent to Kiptown to represent her people at the historic Congress where the Freedom Charter was adopted by South Africans of all races.

Back in Cape Town, the early morning knocks at her door continued and Mrs Silinga was again arrested for not carrying a pass.

"The case eventually went to the High Court in Bloemfontein and while this was in progress I was arrested and taken to Pretoria on a charge of high treason. "I was tried there with people like Nelson Mandela, Walter Sisulu and Sonia Bunting. All the organisers of the defiance campaign were on trial. It lasted for two years and every one of the more than one hundred people were acquitted."

At the end of the trial in 1958, she heard that the High Court in Bloemfontein had ruled that she did not qualify to remain in the Cape but was still required to carry a pass.

She refused and the knocks continued. "I was in prison in 1960 when all our organisations were banned," she said. "I again refused to take a pass when I was released and they didn't arrest me again."



● Confined to a wheelchair, 70-year-old Annie Silinga still refuses to carry a pass

had ruled that she did not qualify to remain in the Cape but was still required to carry a pass.

She refused and the knocks continued. "I was in prison in 1960 when all our organisations were banned," she said. "I again refused to take a pass when I was released and they didn't arrest me again."

Five years ago, she suffered a stroke and was paralysed from the hip down. Despite a crying need for a disability grant, she will do without it for as long as it means that she has to apply for a pass.

## INFLUX CONTROL (206)

### Closing loopholes

Fm 28/11/50

After Veli Wille Komani a Section 10 qualified man won the right to have his wife live with him in an urban area (F.M. August 29), there were fears that legislation would be promulgated to clamp down on further influx control cases. Now Section 62 of the proposed Black Community Development Act is set to do just this by severely curtailing the right of appeal to the Supreme Court.

In terms of the proposed legislation, these cases will now be heard in the commissioners' courts. Litigants will have no other option, says a leading lawyer. At present, the commissioners' courts hear civil disputes between blacks, but have no jurisdiction regarding clarification of Section 10 rights.

In accordance with the proposed legislation, Section 10 cases will now automatically be heard in the commissioners' courts. If the litigant wishes to appeal, he can do so only in a special commissioners' appeal court and has no right of further appeal. Only under certain circumstances can a case be taken to the Appellate division and then only if the special appeal court gives permission. However, this is subject to the court's discretion.

The special appeal court now becomes the highest court of appeal in influx control matters, although it is a much lower body than the Supreme Court and is viewed as being "technically inferior." In addition it is manned by civil servants appointed by the Minister of Co-operation and Development. As a result of this

severe curtailment of litigants' rights, it is expected that the professional legal bodies will react vociferously.



2011 10/11 28/1/80  
**Koornhof Insurance**

**Pretoria Bureau**

THE recent draft legislation affecting black people was published specifically to elicit comment and recommendations, the Minister of Co-operation and Development, Dr Koornhof, said last night.

"Regarding the draft legislation affecting black people, which was recently published by my Department in the Government Gazette, I notice that opinions have been expressed in the Press to the effect that the

Supreme Court of South Africa would be eliminated in respect of certain matters which may result from the implementation of the proposed legislation," he said.

"I wish to give an unequivocal assurance that it is not the intention to eliminate the jurisdiction of the Supreme Court in any way whatever, and if the legislation should have such an effect, the matter will be rectified beyond any doubt" — Sapa.

29/11/80 rom  
**Incest  
in law**

**T**WICE in a week the Government has made clear that Section 62 of the Black Community Development Bill is not intended to do what leading lawyers say it will do eliminate the access of blacks to the Supreme Court in challenging influx control laws.

Reinforcing what a senior lawyer in the Department of Cooperation and Development said in Midweek, the Minister, Dr Piet Koornhof, has now given "an unequivocal assurance" that the Bill is not supposed to do this, and that if the legislation should have such an effect the matter will be rectified beyond any doubt.

Good But unfortunately it does not end there — because lawyers maintain that there is still another serious effect built into Section 62 placing all contraventions of influx control laws within the jurisdiction of the Department of Cooperation and Development courts run by "commissioners" — that is, the people previously called "Bantu Commissioners".

At present, blacks appear in these courts. It seems that the intention is to make non-black offenders against influx control also go before them — such as employers charged with giving work or accommodation to "disqualified" blacks and hence facing fines of up to R500 and/or six months' imprisonment.

In a curious way this could be a praiseworthy development. If blacks appearing in the commissioners' courts and whites in the magistrates' courts, everyone will go before the commissioners.

It could be hailed as a move towards nonracialism.

But there is a catch. The commissioners are officials of the Department of Cooperation and Development. They administer the laws. They receive instructions from the department and they carry out policy. When they sit

courts they apply the same laws which they administer.

That amounts to administrative-judicial incest.

Instead of perpetuating and extending this unhealthy system, as Section 62 proposes to do, it would be preferable to have evidence of moves away from it.

Fortunately there is still time for this. Dr Koornhof has again stressed, as he did when he announced the Bill a month ago, that it has been published specifically to elicit comment and recommendations.

Section 62 alone, as we note, contains highly undesirable provisions, whether through design or sloppy wording. But it goes well beyond this as we have previously pointed out, the Bill as a whole is anything but the reformist measure claimed for it upon its presentation.

What concessions it offers to city blacks by way of extending the geographical area in which they can move freely are far outweighed by its retrogressive features notably the greater penalties for transgressors, plus the continuing reliance on some form of an identity document, backed by sanctions, to enforce influx control.

Can any of this, as with Section 62's effect on access to the Supreme Court, be attributed to poor draftsmanship which will soon be remedied? That sort of emphatic assurance from Dr Koornhof would indeed be welcome.

Can it, however, be given?



# Dr Piet's deal — down comes guillotine

THE Department of Co-operation and Development has refused all applications for extensions to the November 14 deadline for submitting comment on the three complex and controversial draft Bills which, according to the Minister, Dr Koornhof, herald a "new deal" for Blacks.

There is growing anger and resentment among these organisations over the two weeks allowed by the department for comment to be submitted and widespread suspicion that it is an attempt by the Government to frustrate comment on some of the most complex legislation to be drafted in years.

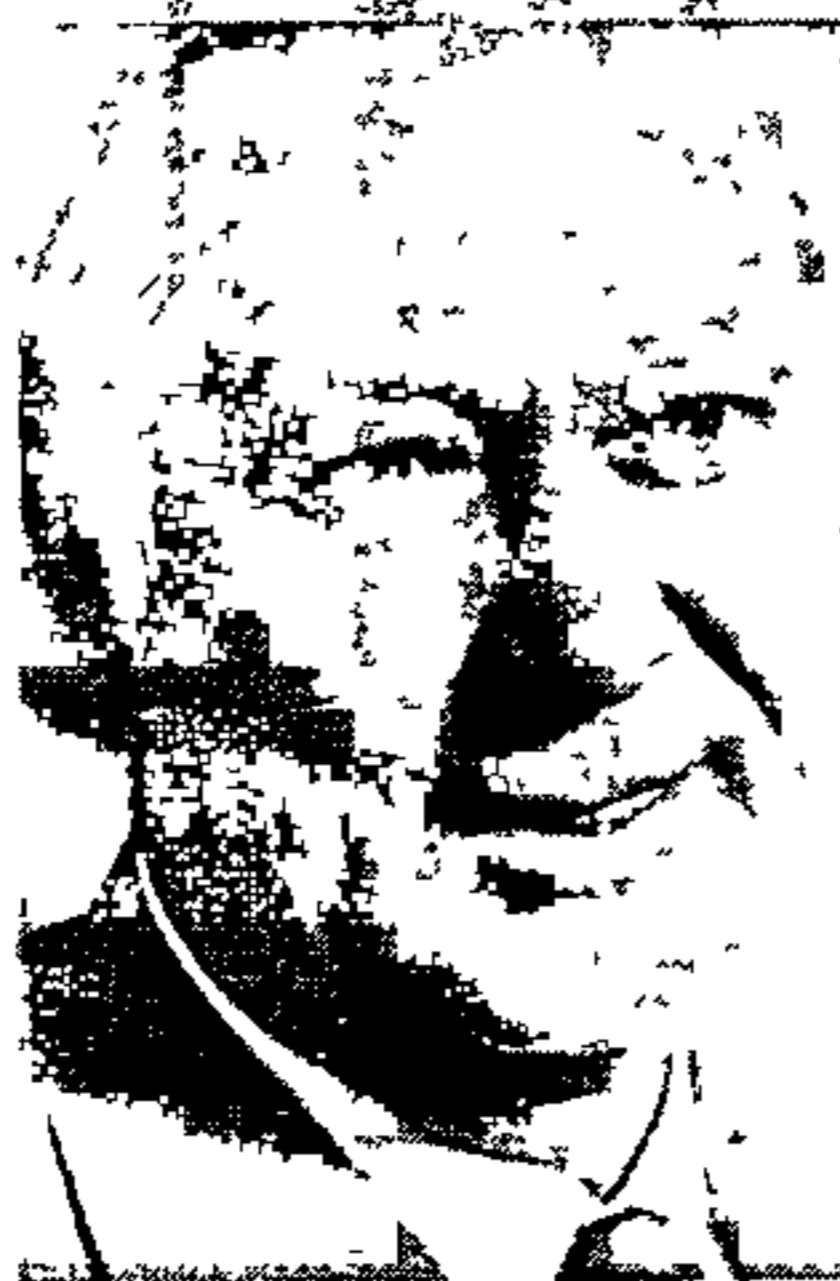
A senior spokesman for the Department of Co-operation and Development told the Sunday Express that any proposals received between now and the beginning of the parliamentary session would "rest in the lap of the gods".

"We have considered all comment received to date, but the time is approaching when we will have to finalise legislation for our target date — January 23," he said.

Organisations still working on memoranda on the three Bills include the Urban Foundation, the South African Institute of Race Relations, the Legal Resources Centre and the law faculty of Potchefstroom University.

While it is recognised that the Bills contain positive and negative aspects, there is a widely held view that, on balance, they represent a retrogressive step in trying to eliminate the maze of restrictions that affect the everyday lives of Blacks.

Professor Nic Olivier, director of research for the Progressive Federal Party, told the



● Professor Nic Olivier  
"absurd and unrealistic"

**BY JOHN BATTERSBY**  
Political Correspondent

Sunday Express the deadline for comment set by the department was "absurd and totally unrealistic".

"I worked flat-out on these Bills from the time of receiving the Government Gazette and it took me well over two weeks to complete my study.

"In the absence of any official explanation I can only think that it is an attempt to forestall detailed study and proper consideration of these Bills."

Director of the South African Institute of Race Relations, John Rees, who was refused an extension of the original deadline, said it was "very sad" that such a short time had been allowed to study such far-reaching measures.

"I very much doubt that it

will be possible to submit our comments before January 15," he said. "Nevertheless, we plan to submit our proposals."

The Sunday Express also learnt that the Urban Foundation is still involved in canvassing a wide range of Black opinion on the draft Bills.

The foundation lost no time in appointing a committee to study the proposed legislation when the drafts were published at the end of October.

It was reliably learnt that the foundation considers the period allowed for comment to be so unfair and unrealistic as to be indefensible.

Meanwhile, a spokesman for the Department of Community Development assured the Sunday Express that all late comment received by this Thursday had been considered.

"We have received a lot of comment, but most of the late comment has been a repetition of comment received earlier," he said.

"We are doing the best we can to accommodate all the comment we receive, but we also have a problem. Our target date is January 23 and you can appreciate that there is a lot of work in processing the comment and making the necessary adjustments to the legislation.

Judging by the amount of comment we have received, two weeks was not such an unrealistic period."

The spokesman said much of the comment had been accepted and the final legislation would appear in a considerably different form to the draft Bills.

The spokesman made it clear, however, that the influx control system would remain until the Government advised to the contrary.

## Political Correspondent.

THE controversial Group Areas Act is likely to come under intensified attack since its linking to the restriction on the presence and employment of Blacks in the cities in terms of the Black Community Development Bill — the chief component of the Government's "new deal" for Blacks.

This is one conclusion to be drawn from a detailed study of the draft Bill conducted by Professor Nic Olivier, head of the Progressive Federal Party's research division.

Prof Olivier claims in his report that, if applied, the Bill will increase feelings of insecurity and instability among urban Blacks: "It could even lead to a far greater degree of harassment than at present, thereby seriously exacerbating the racial situation."

When the draft Bill, along with two others affecting Blacks, was published at the end of October the Minister of Co-operation and Development, Dr Koornhof, presented them as part of the Government's process of reform and an implementation of his declared war on the "dompas".

It was an attempt, the minis-

# Olivier's probe warns trouble coming on Act

ter said, to remove hurtful discrimination in the lives of Blacks.

According to Prof Olivier's report, however, the more objectionable aspects of policy governing Blacks in towns have been retained and, in certain respects, made worse.

"Fundamentally, the Bill is a rewrite of the Black (Urban Areas) Consolidation Act," he said.

Professor Olivier said in an interview with the Sunday Express one disturbing feature of the Bill was the way it used the Group Areas Act as a new weapon to restrict the presence and employment of Blacks in towns. It did not merely regulate the residential separation of Blacks, as in the past.

"Using the Group Areas Act in this way seems to me to run counter to the basic concept underlying the Act and constitutes an unwarranted extension of the application of the Act and its basic objective and philosophy.

"The use of the Group Areas Act in this way also runs counter to the stated change in Government policy regarding the permanence of Blacks in urban areas," he said.

Prof Olivier said the Group Areas Act had been used to broaden the definition of unlaw-

ful occupation by Blacks in towns and linking it to the Black Community Development Bill amounted to discrimination against Blacks, which was not the intention of the Riekert Report.



From Page 1

der the existing definitions in the draft Bill all blacks will be disqualified to live in urban areas — except by permit under a list of exemptions

"The implications of the definition of disqualified persons are that all blacks are disqualified persons both in respect of land or premises in a township (unless they are specifically authorised to be there) and outside a township

"The implication of this seems clearly to be any black person who occupies without the necessary au-

# Dr Koornhof's 'new deal' for the urban blacks turns sour

*WUBOS wins fight for job*

his job and that he does not necessarily have to reside in approved accommodation," he says

thority any land or premises either within a township or outside a township is regarded in law as occupying land or premises in a controlled area, thereby contravening the Group Areas Act," he says

The exemptions which will enable blacks to live in white areas are in the main:   
o A person leasing a property under the authority of a permit   
o A bona fide servant or employee of the State, a member or employee of a statutory body, or a domestic servant of

any person lawfully occupying the land or premises   
o A bona fide visitor for a total of not more than 90 days a year, or as a bona fide guest in an hotel   
o A bona fide patient in a hospital or institution   
o The bona fide employee of any person, or as the husband, wife, minor child or dependent of any person, who is lawfully occupying the land or premises in question (this exemption can only be granted by proclamation by the State President)   
o A bona fide pupil attending a school controlled or aided by the state

o Of the bona fide servant or employee of any person in the mining industry, this too can be granted only by proclamation by the State President)   
This is far broader than existing legislation in terms of which black people can, by working for the employer for ten years or for several years remaining in the white area for that time, acquire the legal right to remain permanently in that white area.

Since these rights, set out in section 10 (1) (a), (b) and (c) of the Black (Urban Areas) Consolidation Act of 1955, de-

termine whether or not a black person has any security of residence in an urban area, or whether he is constantly subjected to the threat of being shipped off to a Bantustan, these "section 10 rights" are hereby treated

Among other things, section 10 rights are enforceable through the courts, and therefore saved victims against arbitrary action by officials

According to Professor Olivier's study blacks who now have section 10 rights will keep them, but the draft Bill will remove the protection and security which they now provide

In terms of the draft Bill, he says, "any particular rights and privileges that have been attached to a possession of (these) qualifications will no longer be available to blacks of the future"

It is clear says Prof Olivier, that "under the new dispensation, the presence of every black in an urban area — whether in a township or outside — would have to be sanctioned either by way of a special authorisation, or by reason of the fact that such a black falls in the exempted classes" of the proposed laws

In his summary, he comments

thereby seriously exacerbating the racial situation

If this is so, it directly contradicts the spirit in which the new Bills were introduced

At the time, Dr Koornhof spent a day with the Press insisting that the intention, and letter of the new laws was to increase urban black security and improve the quality of their lives

One of the features emphasised that day was that the "new deal" was intended to increase the mobility of urban blacks by removing their fear of losing their section 10 rights if they moved

Instead, they were to be permitted to move freely from one urban area to another provided they could prove "loyalty" and "bona fide employment" and "approved accommodation" in the new location

But combined with the loss of section 10 rights, the demand that blacks find work and approved accommodation "actually takes them a step backward," according to Professor Olivier

"The advantage of having a section 10 (1) (a) or (b) qualification is that such a person cannot, for example, be 'enforced' out if he were to lose

But combined with the loss of section 10 rights, the demand that blacks find work and approved accommodation "actually takes them a step backward," according to Professor Olivier

"The advantage of having a section 10 (1) (a) or (b) qualification is that such a person cannot, for example, be 'enforced' out if he were to lose

But combined with the loss of section 10 rights, the demand that blacks find work and approved accommodation "actually takes them a step backward," according to Professor Olivier

"The advantage of having a section 10 (1) (a) or (b) qualification is that such a person cannot, for example, be 'enforced' out if he were to lose

But combined with the loss of section 10 rights, the demand that blacks find work and approved accommodation "actually takes them a step backward," according to Professor Olivier

"The advantage of having a section 10 (1) (a) or (b) qualification is that such a person cannot, for example, be 'enforced' out if he were to lose

But combined with the loss of section 10 rights, the demand that blacks find work and approved accommodation "actually takes them a step backward," according to Professor Olivier

"The advantage of having a section 10 (1) (a) or (b) qualification is that such a person cannot, for example, be 'enforced' out if he were to lose

But combined with the loss of section 10 rights, the demand that blacks find work and approved accommodation "actually takes them a step backward," according to Professor Olivier

"The advantage of having a section 10 (1) (a) or (b) qualification is that such a person cannot, for example, be 'enforced' out if he were to lose

But combined with the loss of section 10 rights, the demand that blacks find work and approved accommodation "actually takes them a step backward," according to Professor Olivier

"The advantage of having a section 10 (1) (a) or (b) qualification is that such a person cannot, for example, be 'enforced' out if he were to lose

But combined with the loss of section 10 rights, the demand that blacks find work and approved accommodation "actually takes them a step backward," according to Professor Olivier

"The advantage of having a section 10 (1) (a) or (b) qualification is that such a person cannot, for example, be 'enforced' out if he were to lose

But combined with the loss of section 10 rights, the demand that blacks find work and approved accommodation "actually takes them a step backward," according to Professor Olivier

"The advantage of having a section 10 (1) (a) or (b) qualification is that such a person cannot, for example, be 'enforced' out if he were to lose

But combined with the loss of section 10 rights, the demand that blacks find work and approved accommodation "actually takes them a step backward," according to Professor Olivier

"The advantage of having a section 10 (1) (a) or (b) qualification is that such a person cannot, for example, be 'enforced' out if he were to lose

But combined with the loss of section 10 rights, the demand that blacks find work and approved accommodation "actually takes them a step backward," according to Professor Olivier

But combined with the loss of section 10 rights, the demand that blacks find work and approved accommodation "actually takes them a step backward," according to Professor Olivier

"The advantage of having a section 10 (1) (a) or (b) qualification is that such a person cannot, for example, be 'enforced' out if he were to lose

But combined with the loss of section 10 rights, the demand that blacks find work and approved accommodation "actually takes them a step backward," according to Professor Olivier

"The advantage of having a section 10 (1) (a) or (b) qualification is that such a person cannot, for example, be 'enforced' out if he were to lose

But combined with the loss of section 10 rights, the demand that blacks find work and approved accommodation "actually takes them a step backward," according to Professor Olivier

"The advantage of having a section 10 (1) (a) or (b) qualification is that such a person cannot, for example, be 'enforced' out if he were to lose

But combined with the loss of section 10 rights, the demand that blacks find work and approved accommodation "actually takes them a step backward," according to Professor Olivier

"The advantage of having a section 10 (1) (a) or (b) qualification is that such a person cannot, for example, be 'enforced' out if he were to lose

But combined with the loss of section 10 rights, the demand that blacks find work and approved accommodation "actually takes them a step backward," according to Professor Olivier

"The advantage of having a section 10 (1) (a) or (b) qualification is that such a person cannot, for example, be 'enforced' out if he were to lose

But combined with the loss of section 10 rights, the demand that blacks find work and approved accommodation "actually takes them a step backward," according to Professor Olivier

"The advantage of having a section 10 (1) (a) or (b) qualification is that such a person cannot, for example, be 'enforced' out if he were to lose

But combined with the loss of section 10 rights, the demand that blacks find work and approved accommodation "actually takes them a step backward," according to Professor Olivier







# Bills aim to take race out of labour

By David Breier  
Pretoria Bureau

Three draft Bills to desegregate labour bureaux and abolish race and sex discrimination in industrial training were published in the Government Gazette today.

The Bills are based on recommendations of the Wiehahn and Riekert re-

ports, published over the past two years. They have been published to enable the public to comment on them.

If necessary they will be amended before the Bills are laid before Parliament. Public comment should be in by January 10. The three Bills are:

- The Manpower Training Bill, which aims to consolidate all existing acts dealing with training.

These are the Apprenticeship Act, the Black Employees In-Service Training Act, the In-Service Training Act (for whites, coloured people and Indians) and the Training of Artisans Act (for adults). The Bill will be

completely non-discriminatory and will apply to all forms of industrial training.

It will set up a National Training Board to replace the Apprenticeship Board. The board will have much wider powers and will deal with all aspects of industrial training and not only apprentices.

It will include representatives from employers, employees and the Government and will co-ordinate training schemes.

**GUIDANCE**

• The Guidance and Employment Bill will establish guidance and placement centres for all population groups.

This Bill will also control private employment offices and will cover the old Registration for Employment Act for white, coloured and Indian people and the Black Labour Act.

• The Wage Amendment Bill, which aims to streamline and rationalise the workings of the Wage Board.

This board will no longer have to go through the red tape of putting determinations before Parliament, although its wage determinations will be open to inspection.

## IMPROVEMENTS

It involves improvements to administrative procedures without introducing fundamental changes.

More radical legislation is expected to be introduced at the next parliamentary session.

The Government is also expected to put clamps on the rights of trade unions to obtain support from outside the country. Neighbouring countries supplying labour to South Africa may be obliged to sign an undertaking to withdraw any workers who take part in illegal strikes.

## UIF more easily accessible

Unemployment insurance benefits for blacks will be more widely accessible in the New Year.

This has been announced by Dr P J van der Merwe, Deputy Director General of the Department of Manpower Utilisation.

He said this move came after one of the recommendations of the Riekert Commission, which suggested that labour bureaux of the administration boards should deal with the payment

of these benefits.

However in Johannesburg it has been decided for administrative reasons to retain the existing arrangements for unemployment insurance.

The Department of Manpower Utilisation, at 15 Market Street, will continue to deal with applications for benefit by men and women who register for employment at the labour bureaux in New Canada and Colly Street.

Press rate in  
coloured schools  
for 1979



Y, 28 MAY 1980

810

*For written reply*

**Influx control and identity documents**

15(810) 28/5/80 (206)  
633 Mrs H SUZMAN asked the Minister of Co-operation and Development

- (1) How many persons were (a) tried and (b) convicted of offences relating to influx control and identity documents at the Commissioner's Court in Market Street, Ferreirasdorp, Johannesburg, during 1979,
- (2) what was the average daily number of such cases heard by this court during that year?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

- (1) (a) 35 912  
(b) 29 861

(2) 143

... flight meals

Black Labour Act  
 565. Dr A. L. BORAINÉ asked the  
 Minister of Co-operation and Development.

- (1) How many (a) South African and (b) foreign Black workers were registered as at 30 June 1979 in each category of labour defined in the regulations promulgated in terms of the Black Labour Act;
- (2) how many of the foreign workers in each category were from (a) Transkei and (b) Bophuthatswana,
- (3) (a) what were the countries of origin

695

MONDAY, 5 MAY 1980

696

of the other foreign workers and (b) how many in each category of labour were from each of these countries?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

	(1)(a)	(1)(b)
Agriculture	428 518	153 511
Mining and quarrying	229 868	485 451
Manufacturing	502 592	154 985
Construction	231 516	89 024
Wholesale and retail trade	244 837	82 653
Government services	325 632	120 476

Domestic services	434 841	190 734
Other	240 255	98 892
Agriculture	(2)(a) 59 903	(2)(b) 74 506
Mining and quarrying	163 948	66 155
Manufacturing	70 341	74 511
Construction	48 882	32 437
Wholesale and retail trade	24 959	53 555
Government services	57 155	54 599
Domestic services	50 393	126 677
Other	23 441	67 555

(3)(a) and (b)

Agriculture	88	1 254	3 455
Mining and quarrying	108	25 690	128 800
Manufacturing	4	1 170	4 318
Construction	11	694	4 998
Wholesale and retail trade	9	583	1 226
Government services	8	1 103	4 425
Domestic services	36	1 131	2 401
Other	11	838	2 409

Angola	Botswana	Lesotho
88	1 254	3 455
108	25 690	128 800
4	1 170	4 318
11	694	4 998
9	583	1 226
8	1 103	4 425
36	1 131	2 401
11	838	2 409

Agriculture	3 685	4 301	2 264
Mining and quarrying	24 590	53 753	10 150
Manufacturing	1 602	650	400
Construction	359	332	316
Wholesale and retail trade	749	324	840
Government services	858	753	304
Domestic services	2 733	883	5 684
Other	1 227	654	1 589

Malawi	Mozambique	Rhodesia
3 685	4 301	2 264
24 590	53 753	10 150
1 602	650	400
359	332	316
749	324	840
858	753	304
2 733	883	5 684
1 227	654	1 589

Agriculture	406	265	3 384
Mining and quarrying	10 120	36	2 101
Manufacturing	782	85	1 122
Construction	148	25	822
Wholesale and retail trade	202	66	140
Government services	430	65	776
Domestic services	568	135	93
Other	350	132	786

Swaziland	Zambia	Other
406	265	3 384
10 120	36	2 101
782	85	1 122
148	25	822
202	66	140
430	65	776
568	135	93
350	132	786



Black Labour Act  
 565 Dr A L BORAINÉ asked the  
 Minister of Co-operation and Development

- (1) How many (a) South African and (b) foreign Black workers were registered as at 30 June 1979 in each category of labour defined in the regulations promulgated in terms of the Black Labour Act,
- (2) how many of the foreign workers in each category were from (a) Transkei and (b) Bophuthatswana,
- (3) (a) what were the countries of origin

695

MONDAY, 5 MAY 1980

696

of the other foreign workers and (b) how many in each category of labour were from each of these countries?		Domestic services	
		Other	434 841 190 734
			240 255 98 892
The MINISTER OF CO-OPERATION AND DEVELOPMENT			
	(1)(a)	(1)(b)	(2)(a) (2)(b)
Agriculture	428 518	153 511	59 903 74 506
Mining and quarrying	229 868	485 451	163 948 66 155
Manufacturing	502 592	154 985	70 341 74 511
Construction	231 516	89 024	48 882 32 437
Wholesale and retail trade	244 837	82 653	24 959 53 555
Government services	325 632	120 476	57 155 54 599
			50 393 126 677
			23 441 67 555
			(3)(a) and (b)
Agriculture		Angola	Botswana
Mining and quarrying		88	1 254
Manufacturing		108	25 690
Construction		4	1 170
Wholesale and retail trade		11	694
Government services		9	583
Domestic services		8	1 103
Other		36	1 131
		11	838
			Lesotho
			3 455
			128 800
			4 318
			4 998
			1 226
			4 425
			2 401
			2 409
		Malawi	Mozambique
		3 685	4 301
		24 590	53 753
		1 602	650
		359	332
		749	324
		858	753
		2 733	883
		1 227	554
			Rhodesia
			2 264
			10 150
			400
			316
			840
			304
			5 684
			1 589
		Swaziland	Zambia
		406	265
		10 120	36
		782	85
		148	25
		202	66
		430	65
		568	135
		350	132
			Other
			3 384
			2 101
			1 122
			822
			140
			776
			93
			786

*9/5/80* *17/4/80* *(P.C.)* *206*  
**Influx control/identity documents**  
 500 Mr P A MYBURGH asked the  
 Minister of Co-operation and Development

- (1) What was the number of Black males and females, respectively, arrested in the Cape Peninsula in each week during the period 17 February to 15

March 1980 for offences relating to influx control and identity documents,

- (2) how many of these males and females, respectively, were (a) charged with and (b) convicted of such offences?

The MINISTER OF CO-OPERATION  
 AND DEVELOPMENT

	Males	Females
(1) 18-25 February 1980	64	89
25-29 February 1980	62	83
3- 9 March 1980	70	187
10-14 March 1980	74	202
(2) (a) 18-24 February 1980	64	89
25-29 February 1980	62	83
3- 7 March 1980	70	187
10-14 March 1980	74	202
(b) 18-24 February 1980	60	89
25-29 February 1980	59	77
3- 7 March 1980	65	179
10-14 March 1980	69	191



9/561) 14/4/80 (200) (100) Abs  
**Influx control/identity documents**  
 500 Mr P A MYBURGH asked the  
 Minister of Co-operation and Development

- (1) What was the number of Black males and females, respectively, arrested in the Cape Peninsula in each week during the period 17 February to 15

March 1980 for offences relating to influx control and identity documents,

- (2) how many of these males and females, respectively, were (a) charged with and (b) convicted of such offences?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

	Males	Females
(1) 18-25 February 1980	64	89
25-29 February 1980	62	83
3- 9 March 1980	70	187
10-14 March 1980	74	202
(2) (a) 18-24 February 1980	64	89
25-29 February 1980	62	83
3- 7 March 1980	70	187
10-14 March 1980	74	202
(b) 18-24 February 1980	60	89
25-29 February 1980	59	77
3- 7 March 1980	65	179
10-14 March 1980	69	191

15(811) 28/5/80 Work-seekers 205  
 660 Dr A L BORAINÉ asked the  
 Minister of Co-operation and Development

How many males and females, respectively, were registered at labour bureaux as work-seekers in terms of the Black Labour Regulations as at 31 December 1979?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

	Males	Females
Administration Board	4 555	157
Western Cape	36 230	16 113
Eastern Cape	1 712	660
Northern Cape		
Southern Orange Free State	3 051	574

29 MAY 1980

		812
Oranje-Vaal	11 009	441
Port Natal	1 959	365
Drakensberg	1 812	1 118
West Rand	21 078	30 394
East Rand	12 051	1 715
Highveld	1 215	296
Eastern Transvaal	107	77
Northern Transvaal	42	110
Central Transvaal	960	270
Western Transvaal	775	326



Aid centres

594 Mrs H SUZMAN asked the Minister of Co-operation and Development

207

- (1) How many persons were referred to each aid centre in the Republic during 1979,
- (2) how many of the persons referred to each aid centre were (a) not subsequently prosecuted, (b) assisted to find employment in the Administration Board area concerned and (c) returned to Black states?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

	(1)	(2) (a)	(2) (b)	(2) (c)
Benoni	6 237	2 322	365	578
Bloemfontein	4 721	2 010	552	46
Boksburg	6 642	2 223	659	1 075
Brakpan	2 232	1 017	214	313
Cape Town	2 316	405	—	—
Durban	8 298	7 884	697	4 819
East London	3 752	1 011	119	146
Germiston	14 247	5 934	1 325	3 657
Johannesburg	34 316	16 459	5 328	2 080
Kimberley	698	499	211	16
Klerksdorp	7 198	4 887	311	447
Pietermaritzburg	1 232	1 173	—	491
Port Elizabeth	7 617	7 015	2 490	307
Pretoria	25 969	17 913	2 991	11 750
Randfontein	2 865	—	—	—
Springs	4 541	1 163	415	478
Vereeniging	9 619	3 969	1 046	474
Welkom	9 203	4 264	1 904	957

**Foreign Blacks in Republic illegally**

U[7-11] 5/5/80  
596 Mrs H SUZMAN asked the Minister of Co-operation and Development **206**

- (1) (a) How many foreign Blacks were convicted during 1979 of being in the Republic illegally and (b) what was the country of origin of each of them,

MAY 1980 708

- (2) how many of them were (i) cautioned and discharged, (ii) fined, (iii) imprisoned because they were unable to pay the fine and (iv) deported,

- (3) what was the total amount paid in fines?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

The information required is not readily available and can only be obtained at unwarranted expense



Reference books/influx control  
Hansard 17 Q C. 855 9/6/80

610 Mrs H SUZMAN asked the Minister  
of Co-operation and Development

206

- (1) How many Black (a) males and (b) females were arrested for offences relating to reference books and influx control in each of the main urban centres of the Republic in 1979 by officers of Administration Boards;
- (2) what was the total number of such arrests in the Republic in that year?

The MINISTER OF CO-OPERATION  
AND DEVELOPMENT

(1)	(a) Males	(b) Females
Pretoria	3 391	1 313
Johannesburg	1 387	416
Soweto	23	30
Durban	292	165
Pietermaritzburg	266	47
East London	539	574
Port Elizabeth	128	13
Cape Peninsula	6 342	3 413
Bloemfontein	2 308	452
West Rand	3 870	2 942
East Rand	12 309	4 458

(2) 83 397

6/6/80

206

Hansie Qum (1887) 852 6/4/80  
Identity documents/influx control

690 Mr D J N MALCOMESS asked  
the Minister of Police

Whether any Black males and females,  
respectively, have been arrested during  
1980 in or adjacent to the precincts of (a)  
the Red Cross Children's Hospital and  
(b) other hospitals in the Cape Peninsula  
on charges relating to identity documents  
and influx control, if so, how many in each  
month?

The MINISTER OF POLICE

(a) and (b) Statistics as required by the  
hon member are not kept



Hansard

10

Ques

61

623

23/4/80

206

10(6)3) 23/4/80 (201)206  
**Identity documents/influx control**  
548 Mrs H SUZMAN asked the Minister  
of Co-operation and Development

- (1) Whether Peninsula Administration Board officials recently searched Blacks in Constantia, Cape for identity documents, if so, when,
- (2) how many persons were arrested for offences relating to identity documents and influx control as a result of these searches,
- (3) how many of those arrested were (a) charged and (b) convicted?

**The MINISTER OF CO-OPERATION  
AND DEVELOPMENT**

- (1) Yes Inspectors of the Administration Board Western Cape carried out inspections in the Constantia area during February and March 1980, and requested the production of identity documents by Blacks found in the area.
- (2) 54
- (3) (a) 48  
(b) 48

Hansard

10

Queens Col

623

23/4/80

201

10(6)37 23/4/80 (201)200  
Identity documents/influx control  
548 Mrs H. SUZMAN asked the Minister  
of Co-operation and Development

- (1) Whether Peninsula Administration Board officials recently searched Blacks in Constantia, Cape for identity documents, if so, when,
- (2) how many persons were arrested for offences relating to identity documents and influx control as a result of these searches,
- (3) how many of those arrested were (a) charged and (b) convicted?

The MINISTER OF CO-OPERATION  
AND DEVELOPMENT

- (1) Yes Inspectors of the Administration Board Western Cape carried out inspections in the Constantia area during February and March 1980, and requested the production of identity documents by Blacks found in the area.
- (2) 54
- (3) (a) 48  
(b) 48



22/4/80

Hansard 10 Ques. Col  
609

†Indicates translated version

For written reply

10(609)

22/4/80

Reference books/influx control

449 Mrs H SUZMAN asked the Minister  
of Co-operation and Development

206

206

22 APRIL 1980

X2

610

(1) How many Black (a) males and (b) females were arrested for offences relating to reference books and influx control in each of the main urban centres of the Republic in 1979 by officers of his Department,

(2) what was the total number of such arrests in the Republic in that year?

The MINISTER OF CO-OPERATION AND DEVELOPMENT.

(1)(a) and (b) Officers of the Department of Co-operation and Development are not charged with arresting persons for offences relating to reference books and influx control

Hansard 8 Queen Col 539 28/3/80

206

Reference books/influx control  
424. Mr H E J VAN RENSBURG asked  
the Minister of Police

How many Black (a) males and (b) females were arrested for offences relating to reference books and influx control in (i) Randburg, (ii) Sandton and (iii) each northern suburb of Johannesburg during 1979?

The MINISTER OF POLICE

(i), (ii) and (iii) Statistics in respect of suburbs are not kept. The following is a reflection of the number of arrests in connection with reference books and influx control carried out by the Police attached to the Police Stations serving the northern suburbs

	(a)	(b)
Randburg . . . . .	2 567	202
Hillbrow . . . . .	4 535	2 275
Parkview . . . . .	4 177	322
Lombardy East . . . . .	395	251
Norwood . . . . .	1 682	88
Bramley . . . . .	124	6
Alexandra . . . . .	103	—



Hansard 8 Queen Col 539

28/3/80

204

8(539) Reference books/influx control  
28/3/80 (204) (205)  
424 Mr H E J VAN RENSBURG asked  
the Minister of Police

How many Black (a) males and (b) females were arrested for offences relating to reference books and influx control in (i) Randburg, (ii) Sandton and (iii) each northern suburb of Johannesburg during 1979?

The MINISTER OF POLICE:

(i), (ii) and (iii) Statistics in respect of suburbs are not kept. The following is a reflection of the number of arrests in connection with reference books and influx control carried out by the Police attached to the Police Stations serving the northern suburbs:

	(a)	(b)
Randburg . . . . .	2 567	202
Hillbrow . . . . .	4 535	2 275
Parkview . . . . .	4 177	322
Lombardy East . . . . .	395	251
Norwood . . . . .	1 682	88
Bramley . . . . .	124	6
Alexandra . . . . .	103	—

Hansard 7 Quest. Col. 388.  
17/3/80

206

Blacks: registration  
7(388) 17/3/80 (204) (206)  
426 Mr H E J VAN RENSBURG

asked the Minister of Co-operation and Development

- (1) How many unregistered Blacks working in the urban areas were registered in (a) Randburg, (b) Sandton and (c) the northern suburbs of Johannesburg during the moratorium that was granted in August, September and October 1979,
- (2) (a) how many such applications for registration were refused and (b) what were the reasons for refusal in each case;
- (3) whether any steps were taken against unsuccessful applicants, if so, what steps in respect of each applicant?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

- (1) (a) 1 647  
(b) 3 123  
(c) 17 800
- (2) (a) and (b) The information required is not readily available and can only be obtained at unwarranted expense.
- (3) They were instructed to leave the area



Hansard Quest Col 388

17/3/80

204

Blacks: registration  
7/388 17/3/80 (204) (206)  
426 Mr. H. E. J. VAN RENSBURG

asked the Minister of Co-operation and Development.

- (1) How many unregistered Blacks working in the urban areas were registered in (a) Randburg, (b) Sandton and (c) the northern suburbs of Johannesburg during the moratorium that was granted in August, September and October 1979;
- (2) (a) how many such applications for registration were refused and (b) what were the reasons for refusal in each case;
- (3) whether any steps were taken against unsuccessful applicants, if so, what steps in respect of each applicant?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

- (1) (a) 1 647  
(b) 3 123  
(c) 17 800

- (2) (a) and (b) The information required is not readily available and can only be obtained at unwarranted expense
- (3) They were instructed to leave the area

Hansard 7 Quest Col 396

17.3.80

206

Influx control/identity documents  
7(396) 17.3.80  
395 Mrs H SUZMAN asked the Minister of Co-operation and Development:

- (1) How many Black males and females respectively, were (a) tried for and (b) convicted of offences relating to influx control and identity documents in the Langa commissioner's court in 1979;
- (2) what was the average daily number of such cases heard by this court in that year?

The MINISTER OF CO-OPERATION AND DEVELOPMENT.

	Males	Females
(1) (a)	3 614	4 363
(1) (b)	2 814	2 970
(2)	32	



Hansard

7

Quest

Col 396

17.3.80

201

Influx control/identity documents.  
7(316) 17.3.80 (201)  
395 Mrs H SUZMAN asked the Minister of Co-operation and Development:

- (1) How many Black males and females respectively, were (a) tried for (b) convicted of offences relating to influx control and identity documents in the Langa commissioner's court in 1979;
- (2) what was the average daily number of such cases heard by this court in 1979?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

	Males	Females
(1) (a)	3 614	4 355
(1) (b)	2 814	2 970
(2)	32	

Hansard 7 Quest. Col. 394

17-3-80

206

**Influx control/identity documents**  
7(394) 17 3 80 (201) (206)  
360 Mrs H SUZMAN asked the Minister of Co-operation and Development

- (1) What amount was derived by the Cape Peninsula Administration Board during 1979 from fines imposed for offences relating to influx control and identity documents,
- (2) (a) what part of this amount was paid by employers in respect of illegal employment of Blacks and (b) how many employers were convicted of this offence?

The MINISTER OF CO-OPERATION AND DEVELOPMENT:

- (1) R351 028
- (2) (a) R105 380  
(b) 1 177

It should be pointed out that the Administration Board Western Cape took over the functions of the Cape Peninsula Administration Board as from 1 April 1979. The abovementioned details however, are in respect of the area of the former Cape Peninsula Administration Board.



Hansard 7 QUEST Col 394

17.3.80

201

Influx control/identity documents  
7(394) 17 3 80 (201) (206)  
360. Mrs. H SUZMAN asked the Minister of Co-operation and Development:

- (1) What amount was derived by the Cape Peninsula Administration Board during 1979 from fines imposed for offences relating to influx control and identity documents;
- (2) (a) what part of this amount was paid by employers in respect of illegal employment of Blacks and (b) how many employers were convicted of this offence?

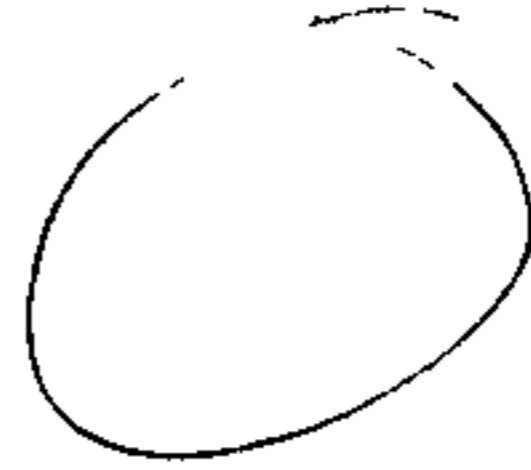
The MINISTER OF CO-OPERATION AND DEVELOPMENT:

- (1) R351 028
- (2) (a) R105 380  
(b) 1 177

It should be pointed out that the Administration Board Western Cape took over the functions of the Cape Peninsula Administration Board as from 1 April 1979. The abovementioned details however, are in respect of the area of the former Cape Peninsula Administration Board.

Handed 6 Central Col 328

10/1/20



[Faded, mostly illegible text within a rectangular border]

(a) ( ) 6 437

(ii) 5 115.

(b) (i) 3 200.

329

MONDAY, 10 M

(ii) 2 563

(2) There is no and centre in Alexandria.











Hansard

Curfew regulations

The MINISTER OF POLICE replied to  
Question #1 by Mr D J Dalrymple

5(3n) 7 3 80  
Question: Whether any persons were prosecuted  
under curfew regulations in the Sutherland  
municipal area during the period 1 Jul,  
1978 to 30 June 1979, if so how many?

MARCH 1980

312

†Reply.

Yes, 57



Hansard

Curfew regulations

The DEPUTY MINISTER OF CO-OPERATION replied to Question \*3 by Mr D J Dalling

5 (312) 7.3.60 (206)  
Question:

Whether consideration has been given to the abolition or limitation of the application of the existing curfew regulations, if so, with what result, if not, (a) why not and (b) for what purpose are such regulations retained?

†Reply.

Yes The Commission of Inquiry into Legislation Affecting the Utilization of

313

FRIDAY, 7 MARCH

Manpower (excluding the Legislation administered by the Departments of Labour and of Mines) has recommended that curfew regulations be repealed and the Government has accepted this recommendation *vide* item 10 on page 8 of the White Paper on the Report of the said Commission. The matter is at present the subject of investigation and discussion with a view to establishing the effects in practice should the recommendations be implemented

ov  
th

Hans and Nic ←

MONDAY

MONDAY, 3 MARCH 1980

figures translated verbatim

for written reply

3:30  
Reference book control

27 Mr. H SUZMAN asked the Minister of Police

- (1) How many Black (a) males and (b) females were arrested for offences relating to reference books and information control in each of the main urban areas of the Republic in 1979.
- (2) what was the total number of such arrests in the Republic in that year?

The MINISTER OF POLICE

(1)	(a)	(b)
Pretoria	35 269	4 901
Johannesburg	17 519	1 922
Soweto	397	11
Durban	3 707	356
Pietermaritzburg	18	—
East London	221	26
Port Elizabeth	610	23
Cape Peninsula	602	326
Bloemfontein	331	132
West Rand	4 902	1 398
East Rand	6 753	2 104
(2)	99 660	20 209

These figures only represent the number of persons arrested by the South African Police



# Corruption: 2 board officials in court

16/4/80  
206  
Argyle

TWO more Administration Board officials appeared in the Athlone Magistrate's Court today, bringing to four the number facing allegations of corruption at Crossroads.

Mr Christian George Ferreira, 33, of Argyle Street, Goodwood, and Mr William Pepper, 32, of Pinehurst Street, Lansdowne, were not asked to plead and no evidence was led.

Bail of R500 each was granted on condition the two men do not talk to State witnesses or enter Athlone, Guguletu, Langa, Crossroads and Nyanga.

Mr Ferreira was ordered to report to the Goodwood police station between 6 pm and 8 pm daily and Mr Pepper was ordered to report to the Lansdowne police station at the same time.

Two other officials were released on bail of R500 each in the Athlone Magistrate's Court yesterday.

# Why were these women treated so?

206  
17/4/80

Argus  
and they have provided reports to explain what happened

THIS is a very sad story. I as a schoolgirl was walking home one afternoon. As usual, I said hello to all the Bantu and non-whites that I passed

I saw two beautifully dressed women at the bus stop and I said hello to which they smilingly replied. About three seconds later a van drew up, three officials got out and chased the two Bantu women.

The two women screamed and tried to run away. The officials tripped the women, hitting them and shouting at them for their passes. I, horrified by this, crossed the road to ask what the women had done wrong

One of the officials told me that it had nothing to do with me. I replied that I was a South African and I loved all the races of my country

He told me that they had no passes. I replied that there was absolutely no need to treat fellow humans like this.

Later, he told me that when I grew up, if I ever did, I would change my opinion. I replied that I would never. His two colleagues got into the van while I tried to explain that his passengers also had feelings to which he replied that I knew little about them.

This man was not only

rude to the very unfortunate women, but showed no respect to me as a fellow white citizen of his country. What gives him the right to think that he can treat me or anyone else like this? I thought 'brutality' had ceased. Obviously not!

JENIE MASEY (15)  
Constantia

[A copy of this letter was given to Brigadier J H van der Westhuizen, chairman of the Administration Board (Western Cape). After investigating the matter, Brigadier van der Westhuizen said,

'A senior official of the Board is at present investigating. The officials concerned have been traced

'At present every endeavour is being made to trace the two black women to get their statements — so far without success

'One of them gave a name and address which was traced, and where it was found this was the name of another woman who said she was aware that someone went around Constantia using her name

'The other woman provided an address at which she is unknown.

'The investigation continues.'

Brigadier van der Westhuizen said he could assure the public that all allegations of this sort would be investigated and the necessary steps taken — Editor ]



Fraud

307  
206

in camp

17/4/80  
Mf

census

alleged

THE Crossroads census which was taken last year to determine which were legal residents of the camp was done 'to try to control a serious situation', an Athlone magistrate heard today

Mr C M Theron, chief inspector of the Administration Board based in Langa, was giving evidence in the trial of Ml Zanemvula Fikile

Mr Fikile, 31, of Zone 29, Room 776, Langa, pleaded not guilty today to 29 counts of fraud by pretending to people that he was able to obtain the necessary validation for their travel documents or reference books, which would enable them to reside legally in Crossroads, and inducing them to give him their document or book with a sum of money

**ALTERNATIVE**

He also pleaded not guilty to an alternative charge of theft by false pretences. The amount of money involved is R311

Mr Theron said he was in charge of the census which took place at the Nxolo School in Crossroads from July 2 to July 12 last year, following the dispensation by the Minister of Co-operation and Development, Dr P J G Kooinhof

(Proceeding)

Mr M S Knox is on the Bench. Mr B Halliday is appearing for the State

(207) (206)

Travel

document

fraud 18/4/80

alleged <sup>Argo</sup>

A CROSSROADS resident told an Athlone magistrate today she was under the impression that, as she was in hospital at the time of the Crossroads census, she would have to pay to be registered.

Miss Nancy Hoza was giving evidence in the trial of Mr Zanemvula Fikile, 31, of Langa, who has pleaded not guilty to 29 counts of fraud, alternatively theft by false pretences.

Miss Hoza said she missed being registered in the Crossroads census because she was in hospital. While she waited to see whether there would be another census Mr Fikile came to her house.

He asked her whether her pass had been 'fixed' and when she said it had not he told her to give him her travel document and money to have it done.

#### NO STAMP

A travel document handed in as an exhibit was identified by Miss Hoza as her own. She said there was no stamp on it since she left it with Mr Fikile.

A schedule of the duties and whereabouts of Administration Board inspectors involved in the census was handed in as an exhibit by Mr C M Theron, chief inspector of the Administration Board in Langa.

Mr Theron indicated on the schedule which inspectors appeared in court this week in connection with allegations of corruption.

Mr M S Knox was on the bench. Mr B Halliday appeared for the State.

Mr N Smitcher appeared for Mr Fikile.

(Proceeding)



(206) (307)  
Gave man  
R10 to be  
registered,  
court told

A CROSSROADS woman who was in Transkei 'reaping meales' when the census was taken last year gave evidence in the trial of Mr Zanemvula Fikile in the Athlone Magistrate's Court yesterday.

Mr Fikile, 31, of Zone 29, Room 776, Langa, has pleaded not guilty to 29 counts of fraud, alternatively theft by false pretences.

Mrs N Nonyondla said when she returned from Transkei, she heard there had been a census which she had missed. She approached Mr Ngxobongwana for whom she had voted, and he told her to ask her boyfriend why he had not registered her when he registered himself.

Before she was able to do this Mr Fikile came to her home, she said, and asked her whether she had been registered.

Mr Fikile said 'I doubt whether you will succeed in getting registered, unless we can come to an agreement.'

He told her to give him her reference book and R10, which she did. Later she also gave him the books and some money belonging to her two lodgers who were away at the time.

She and her lodgers, after not hearing from Mr Fikile, went with other Crossroads residents to Cape Town to lay a complaint.

Mrs Nonyondla said she was shown a reference book and identified Mr Fikile from the photograph.

The trial was postponed to May 12. Mr Fikile is in custody.

Mr M S Knox was on the Bench. Mr B Halliday appeared for the State. Mr N Smitcher appeared for Mr Fikile.

Political Staff

HOUSE OF ASSEMBLY — The National Manpower Commission (NMC) has hinted that it will recommend that the Government scraps the coloured labour preference policy in the Western Cape

In the commission's first report, tabled in Parliament yesterday, the chairman, Dr Henrie Reynders, suggests that a separate labour policy for the Western Cape could be regarded as superfluous in terms of the system of controlling the movement of manpower outlined in the report of the Riekert Commission last year

A key recommendation of the Riekert Commission, which inquired into manpower legislation, was a revision of the pass laws to make the availability of jobs and accommodation the criteria for controlling the influx of workers to the urban areas

The policy of preferential jobs for coloured and white workers in effect controls the number of blacks legally able to live and work in the Western Cape

Dr Reynders said in the report that representations had been made to the NMC concerning the desirability of the continued existence of the Western Cape as a coloured preference area

He quoted the report of the Theron Commission, which supported the policy, and the Government's reaction, which stated that efforts were constantly being made to apply it strictly in the public and private sectors

However, Dr Reynders says "Since the appearance of the Riekerk Commission report and the Government's White Paper on this commission there have been questions from various sources about the desirability of the existing policy regarding manpower in the Western Cape

"The essential question is whether this policy can be reconciled with certain policy

# Surprise

173 176 206  
up the

RDM 24/4/80  
manpower

report's

sleeve

## THE MANPOWER VOTE

DR H REYNDERS  
... first report

statements by the Government and whether the system of control over the geographical mobility of manpower as recommended by the Riekert Commission does not in any case make a separate policy in regard to the Western Cape superfluous"

He says the commission decided at its first meeting in November that the matter merited urgent attention, and instructed its executive committee to give it consideration

The Western Cape is the only area in the country where job preference on racial grounds is enforced

The report also said there has been a noticeable decline in the number of registered unemployed since 1979, reported Sapa

The number of registered unemployed in all four population groups increased in the period 1974 to 1978, but this trend was reversed in the beginning of 1979 in the case of whites, coloureds and Asians and later in the year in the case of blacks

The total number of registered unemployed persons was 195 511 in September, 1979, as against 173 159 in December of the same year

Dr Reynders also said that the educational level of the economically active population is improving

This process, says the report, will be accelerated by the great increases in the numbers of lower primary and higher primary pupils — particularly coloured and blacks — owing to the work of the Department of

Education and Training since 1976

FOOTNOTE: Temporary legislation would be introduced this session after the second part of the Wiehahn Commission report was tabled in Parliament during the next week or two, the Minister of Manpower Utilisation, Mr Fanie Botha, announced yesterday

Speaking in committee on his vote, Mr Botha said he would have liked to introduce more comprehensive legislation. But this would have to wait until the remainder of the commission's reports were handed to him next year

He had already received the second part of the report, but it still had to be translated. The report will be accompanied by a White Paper



# Influx control could cause nursing crisis

95

STAR  
25/4/80  
(206)  
(204)

By Bob Kennaugh and Langa Skosana

Many Soweto nurses, occupational therapists and others are being forced to return to their homelands because of the stricter application of influx control

The Star has been told that nurses and paramedics who come from the homelands but were trained in Transvaal hospitals are having difficulty in getting their work permits extended

Hundreds of nurses, occupational therapists, social workers and others who have been trained at provincial hospitals and have lived in Soweto and elsewhere for some time are unwilling to return to their homelands

Previously the skilled workers applied for, and were granted, work permits to remain in urban areas

## RETURN

Nurses have been told that if they wish to continue to work in urban areas they will have to return to their homelands and reapply

Baragwanath Hospital, for example receives about 20 000 applications from students who want to train as nurses. Most of the applicants including some of the best students, come from the homelands

A problem that is aggravating the situation is that experienced nurses and paramedics are leaving the provincial service for better paid jobs in the private sector

## SURPLUS

Although there is a surplus of black nurses in urban areas, medical men fear that Baragwanath, Netalspruit, Leratong and Tembisa hospitals will be hard hit in the future

Johannesburg General Hospital will soon be opening its wards to black patients and there will be a demand for black medical workers

Spokesmen for the West Rand Administration Board and the Department of Cooperation and Development said they could not comment on the influx control problem

They referred The Star to the Department of Health, Welfare and Pensions but spokesmen could not be reached

Required:  
A revised budget as far as possible showing which explaining why world last 12 to be offered

(f)

(d)

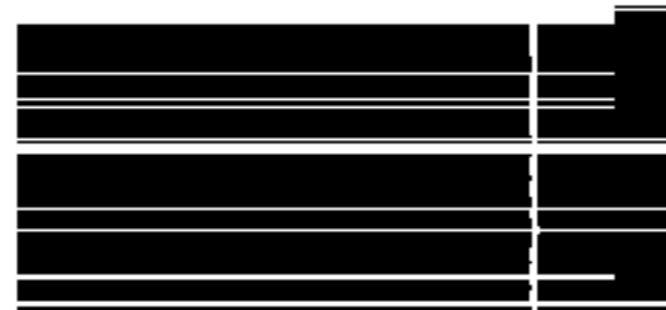
(b)

revisions are called for, adhering order as that used for the data above, (sector) prefer, with short notes and any calculations. Both jobs : jobs are being done or are likely

al expenses amount to about

ed for Southampton has been ears. £1,600 is the year's depreciation (line) in the financial accounts. is taken, less plant will be similar work at a rental of £750. d on a memorandum entry, at 5% of n the cost records.

hired locally from week to



# This policy should have been scrapped long ago

Argus 29/4/80

166

173

206

A LENGTHY report compiled over a period of two years by Professor S P Cilliers and Professor Simon Bekker calls for the scrapping of the Coloured Labour Preference Policy in the Western Cape (The Argus April 18).

We find it even more encouraging that this research was undertaken because of a request by the Department of Co-operation and Development

We can only urge the Government to heed this advice and that of so

many other organisations and community leaders including Professor E Theron.

This coloured labour preference policy has been a basic evil responsible over the last quarter of a century for much extra hardship experienced by Africans in the Western Cape. Because of it new houses were not built for people regarded as 'temporary sojourners', and the recent homeownership scheme available elsewhere was withheld from Africans here, in spite of the costly im-

provements made at their own expense by many; because of this preferential policy, new schools in the area were refused and boarding schools in far off places were ironically the only alternative for people in the lowest of income groups.

This is the policy that over the years has given additional momentum to the ongoing and massive pass arrest campaign and that denied an amnesty for 'illegal' workers here when it was granted in other urban areas last year; and this is the policy that has so substantially added to the frustrations of well-qualified Africans born and bred in the area, in their pursuit of worthwhile employment.

Now there is an in depth report flowing from two years research by two eminent sociologists calling for the repeal of this restrictive and crippling policy. May the Government at last be poised to take this most important step.

D WILSON

Chairman: Cape Western  
Region

SA Institute of Race Relations

Mowbray



# CALL ON WEST CAPE REJECTED

Argus 30/4/80 (H)

Parliamentary Staff

(20/2)

The Prime Minister, Mr P. W. Botha, today rejected opposition calls to scrap labour restrictions in the Western Cape but indicated that the Government would consider altering the influx control system.

Speaking in the Assembly debate on the budget vote, Mr Botha said the Leader of the Opposition had said some members of the Theron Commission had changed their viewpoint on the Western Cape as a coloured labour preference area.

But not all the members of the commission had changed their minds, Mr Botha said.

The Minister of Colours had reported that the Western Cape as a coloured preference area should be reconsidered but the commission had abstained from making recommendations on the issue.

But if the labour mechanism recommended by the Pickett Commission worked in "real" practice, then the same could be achieved. It would not be a switch of policy but merely a change of instrument.

The whole question of labour preference in the Western Cape had a bearing on social conditions,

# Curbs stay on blacks' movement

**JOHANNESBURG** — Urban blacks are still not being allowed to move from one urban area to another to take up employment despite an announcement last year by the Minister of Co-operation and Development that they were already allowed to do so.

A West Rand Administration Board official yesterday confirmed that his office had received no instructions to allow urban blacks to move in this way.

A Black Sash representative said yesterday the minister was once again making promises and not acting on them.

The Rieker Commission recommended last year that blacks who were qualified to live in the cities under Section 10 of the Black Urban Areas Act be allowed to take up job offers in other cities.

A West Rand Administration Board official said yesterday the application had been turned down because we have instructions that blacks may not move to Johannesburg to take up the job — blacks may not move to another Administration Board area to take up a job if there is local labour available.

"This is a long standing

instruction and it has not been altered," he said.

Until then, blacks with Section 10 rights were not allowed to move from one administration board area to another.

Dr Piet Koornhof last year told the Provincial congress of the National Party that some of the Rieker recommendations, including the suggestion that urban blacks be allowed this freedom of movement were already being implemented.

However, a case reported by the Black Sash yesterday indicates that this change had not been introduced.

It concerns a resident of Sebokeng township who has been refused permission to take up a job in Johannesburg.

The man has Section 10 rights to live in Sebokeng, approved accommodation, a date, and a firm job offer in Johannesburg. He does not want to leave Sebokeng but is prepared to commute from there to Johannesburg to take up the job.

Officials have insisted that they will not allow blacks to move from one area to another until emergency legislation permitting this is introduced.

A Black Sash spokesman yesterday sharply

criticised Dr Koornhof's original statement.

"Once again, all we are getting is promises from the minister. Despite his assurance, nothing appears to have been done."

"It appears that the Government loses no time in implementing those aspects of the Rieker report which make life more difficult for blacks, such as the R500 fine for employers, but is not prepared to introduce any of the improvements the commission recommended," he said.

Attempts to contact Dr Koornhof yesterday were unsuccessful — DDC



# Block <sup>(200)</sup> on black labour <sup>(UDM)</sup> stays <sup>2/5/80</sup>

By STEVEN FRIEDMAN  
Labour Reporter

URBAN blacks are still not being allowed to move from one urban area to another to take up employment — despite an announcement last year by the Minister of Co-operation and Development, Dr Piet Koornhof, that they were “already” allowed to do so.

A West Rand Administration Board official confirmed yesterday that his office had received no instructions to allow urban blacks to move in this way.

The Riekert Commission recommended last year that blacks who were qualified to live in the cities under Section 10 of the Black Urban Areas Act be allowed to take up job offers in other cities.

Until then, blacks with Section 10 rights were not allowed to move from one Administration Board area to another.

Dr Koornhof told the Transvaal congress of the National Party last year that some of the Riekert recommendations, including the suggestion that urban blacks be allowed this freedom of movement, were “already being implemented”.

However, a man with Section 10 rights to live in Sebokeng has been refused permission to take up a job in Johannesburg. He has approved accommodation and a firm job offer in Johannesburg.

# Board creating criminals, says employer

S-TAK  
2/5/80  
206

QUAL NUMBER OF

**By Sleg Hannig**  
A Johannesburg woman who was forced to dismiss an "illegal" servant has waited in vain for about a month for a replacement through the West Rand Administration Board.

"Either the authorities are not doing their job or they are lying about the extent of unemployment," said Mrs Dulcie Biller of Fairland

After dismissing her

800

801

802

803

804

805

806

807

808

809

810

811

812

813

814

815

816

817

818

819

820

821

822

823

824

825

826

827

828

829

830

831

832

833

834

835

836

837

838

839

servant, she called the Polly Street office of the board to get a new servant as well as two waitresses for her coffee bar in Randburg's Cresta Centre

"Not one of the 'million unemployed' turned up," she said.

Mrs Biller said she needed the servant for her aged husband who was recovering from an operation, was blind in one eye and had 30 percent vision in the other

She found a reliable and intelligent woman with good references, one she could trust to take care of her husband all day while she was at her coffee bar.

But the board gave her only one month to keep the unregistered woman. An appeal to the Commissioner of the Department of Co-operation and Development failed — in spite of newspaper reports that the rules allowed for registration on compassionate grounds.

Even a doctor's letter made no difference

The dismissed servant, a mother of a young child, came from Brits where she earned no more than R25 a month when she was not unemployed

"This is what drove her to Johannesburg," Mrs Biller said.

"The authorities have created yet another criminal," Mrs Biller said.

Her husband now is in the care of a coloured woman from Mrs Biller's parental farm in the Cape.

The two jobs for waitresses have been filled by women obtained by word of mouth

And Mrs Biller sees no point in approaching the West Rand Administration Board for work seekers to fill a new vacancy for a maid in her business

Anybody who wants the job can telephone her at 678-7179 during office hours

A spokesman for the board said "There is unemployment in the Johannesburg area

"These kinds of jobs are normally filled very easily. Possibly lack of public transport discouraged Sowetans from applying for these jobs."

The Chief Commissioner for the Witwatersrand, Mr P A van Heerden, said he dealt with cases of registration of unregistered workers on compassionate grounds daily.

Before becoming aware of the servant's dismissal, he invited Mrs Biller, through The Star, to approach him personally to see what could be done

Mr van Heerden resented Mrs Biller's claim that the authorities had created yet another criminal.

"We acted in terms of the law," he said

URCE-TABLE  
CE.  
RCE-SPACE.

RGET-TABLE  
CE.  
GET-SPACE.

ENTIAL COGNATES

URCE & TARGET PI

INK.

URCE PHONETICS B

PARITY-TARGET-BLANK.

ADD 1 TO TOTAL-PARITY-TARGET-BLANK.

PERFORM LOAD-SOURCE-SPACES.

PERFORM LOAD-TARGET-SPACES.

MOVE \*SYLLABLE PARITY ERROR: TARGET PHONETICS B TO COMMENT-SPACE.

PERFORM PRINT-SORT-LINE.

LOAD-CORRESPONDENCES SECTION.

START-LOAD-CORRES.

PERFORM SCAN-FOR-BLANK-SYL THRU END-LOAD-CORRES VARYING SYL-INDEX FROM 1 BY 1 UNTIL SYL-INDEX > 9.





National

7/5/80 (206)

# Suzman slams influx controls

THE ASSEMBLY — Many of the major recommendations of the Riekert Commission accepted in a government white paper nearly a year ago were today still unimplemented and remained a source of irritation to blacks, Mrs Helen Suzman (PFP Houghton) said yesterday.

Mrs Suzman expressed "great disappointment" that her high hopes that this parliamentary session would see the repeal of discriminatory legislation were wrong.

Speaking during the Co-operation and Development vote, she said since the Minister of Co-operation and Development, Dr Piet Koornhof, declared war on pass books, the impact of influx control had become infinitely worse.

She said while the

government refused to repeal the 72-hour curfew, it had seized on the Riekert Commission's recommendation to increase the penalty on employers who illegally employed blacks.

The penalty rose to a maximum fine of R500 for the first offence and a R500 minimum fine for subsequent offences.

"It is my contention that the Riekert Commission never intended that the punitive provision of harsh fines on employers should be introduced without the scrapping of the 72-hour curfew.

"And I cannot conceive the commission intended the punitive provisions on employers should operate while the penalties imposed on black workers unlawfully in employment continued to operate. The Riekert Commission

recommended these be abolished," said Mrs Suzman.

The recommendation to repeal Section 31, the general curfew law, had also not been implemented. Mrs Suzman said last year 20 777 arrests were made in terms of this law.

"The curfew is a major irritation to adult blacks as are raids on premises occupied by domestic employees. And these have been stepped up too," she said.

"There have been no laws repealed this session, despite Riekert, despite the white paper, despite ministerial promises."

Mrs Suzman said Dr Koornhof's private war on passbooks appeared to have been lost in Pretoria and Bloemfontein where the experiment to suspend the 72-hour provision in

Section 10 (1) — the core of pass laws — was still-born.

The Riekert Commission had recommended the 72-hour limitation on the presence of blacks in urban areas be repealed and that influx control for blacks be based exclusively on the availability of work and approved housing.

"Will the Minister make another whistle-stop tour of the United States after this session and explain the true position to his enthusiastic audiences there?"

"The casualties in the Minister's war against the dompas comes to many thousands more if you add to these police arrest figures, the arrests made by administration board officials," said Mrs Suzman — PS



# Stop mouthing, start moving, Suzman urges

206

ADM

7/5/80

337

123

RDM

## HOUSE OF ASSEMBLY

The impact of influx control had become infinitely worse since the Minister of Co-operation and Development, Dr Piet Koornhof, "declared war on the 'dompas'". Mrs Helen Suzman (FFP, Houghton) said yesterday.

Influx control and the pass laws were the greatest single cause of racial hostility among blacks, and people did not need the belated report of the Cillie Commission to know that discrimination and separate development, plus inequality of opportunity and hopelessly inadequate facilities in urban townships had created the climate in which the Soweto unrest had come to the boil in 1976, she said.

Mrs Suzman was opening the debate on the Department of Co-operation and Development's Budget allocation.

"Since the unrest there have been all those rosy promises made abroad and at home about change, but giving effect to those promises has proved very much more difficult than merely mouthing them."

"I want to urge the Minister to move with more than all deliberate speed to implement those promises."

"The war the Minister declared on the pass laws in Washington appears to have been lost in Bloemfontein and Pretoria when the experiment to suspend the 72-hour provision that makes up the core of the pass laws was stillborn."

The Riekerk Commission had recommended the repeal of the 72-hour limitation on the presence in urban areas of blacks who did not qualify, and that influx control for blacks should be based exclusively on the availability of work and housing.

The Government, in a White Paper, had "taken note" of evidence to the commission that the 72-hour provision "expressly discriminates against blacks,

leads to large-scale arrests and short-term imprisonment, creates considerable human relations problems and comes nowhere near completely effective control of the unlawful entry of blacks into the urban areas."

The Government had rejected the idea of repealing the provision, but had immediately seized on a recommendation by the commission that penalties on employers who illegally employed blacks should be considerably increased.

"It is my contention that Riekerk never intended that the punitive provision of harsh penalties on employers should be introduced without the pari-passu implementation of the positive provision of scrapping the 72-hour limitation."

Mrs Suzman said some 84 000 illegal black workers had been saved from instant dismissal from their jobs in white areas by the moratorium last year, but asked what would happen when the one-year contract they entered during the moratorium expired in a few months time.

"As far as I know, many of those 84 000 who lost or left their jobs since then have been endorsed out."

Domestic workers were especially vulnerable as they did not have fixed hours, minimum wages or other protection normally given to all workers.

"Meanwhile, pass arrests go on ad nauseum," Mrs Suzman said.

Last year, 99 660 black men and 20 290 black women were arrested for offences relating to reference books and influx control in the 11 main urban areas.

"The casualties in the Minister's war against the 'dompas' are very high indeed. The Minister is committed to getting rid of the 'dompas'. If he wants to make a name for himself in the history of South Africa, let him get on with the job of abolishing these laws."

New documents embodying the same restrictions on mobility would be worthless.

"There is only one humane way in which control can be exercised over influx control

and that is to improve standards of living in the rural areas by providing job opportunities in the homelands and to ensure that the wages paid to labourers on the 'white' farms bear the same relationship to wages in the industrial areas."

Other recommendations of the Riekerk Commission had also not been implemented despite the Government's broad acceptance of the commission's report and Ministerial promises.

High on the list of priorities to which the Government should give urgent attention was the monumental housing shortage in black urban areas.

The commission had estimated this at about 141 000 houses and 126 000 hostel beds, and the Urban Foundation estimated the shortage in Soweto alone as 32 000.

The cost of providing those houses would amount to R764-million but only R89-million had been allocated since 1979.

Last year only 220 houses had been built in Soweto and only

3 620 were planned for this year.

The main problem seemed to be the lack of serviced land. Some R200-million in private finance could be obtained for housing if serviced land were available.

"Someone has to provide infrastructure, and it is my contention that it is the State which should do this."

Mrs Suzman asked the Government to write off the R63 million owed by the West Rand Administration Board to the Department of Community Development, saying this would free thousands of homes for purchase under the 99-year leasehold scheme.

So far only 221 leaseholds had been registered and 825 were in the pipeline. The home ownership scheme would be given much greater impetus if replaced by freehold title.

"Much valuable time has already been lost that should have been used in the last two or three years to offset the intense dissatisfaction that is felt by urban blacks with their lot," Mrs Suzman said — Sapa

DD 7/5/80

# Tutu slams Botha's 12-point strategy

206

166

HAMMANSKRAAL — The Prime Minister, Mr P W Botha's 12-point strategy was really a "slightly disguised apartheid" for it was a reformulation of National Party principles, the general secretary of the South African Council of Churches, Bishop Desmond Tutu, said here yesterday

Addressing the SACC's annual conference, he said the government was aware of international pressure against the "blatantly unjust and racist ordering of society and so we are perceiving a change of tactics"

He said: "There is going to be a move away from racial discrimination as evidenced by the registration of black unions and the lifting of job reservation determinations

"South Africa is being asked to believe she is facing a total onslaught from outside — communists from the East and liberal-inspired from the West

"The way to counteract this is by the total strategy which is outlined in the Prime Minister's 12 point-plan

"We are being turned into little Nats to perpetuate white minority rule because anyone opposing this is labelled a traitor who has no patriotism and is part of the total onslaught

"We are really being asked to protect exploitative capitalism and assist in our own oppression and exploitation."

Bishop Tutu said the government was prepared to give many and substantial privileges and concessions to certain blacks in the urban areas who were being co-opted to form "a buffer between the white capitalist haves and the black have-nots"

Those who did not qualify to remain in the "core community" would be condemned to the outer darkness

He said the Riekert Commission report which



BISHOP TUTU

appeared to represent a significant step forward in liberalising influx control was now seen as in fact "an evil instrument of injustice and oppression

"It has relegated and is relegating many to starvation and death in the unproductive homelands Is it the final solution to the political crisis of South Africa?"

"Blacks who don't qualify must go and starve and die in resettlement camps

"Quite callously, huge concentrations of human beings are being moved from pillar to post just to satisfy an ideological blueprint. The church must do more than just talk. The survival of South Africa is at stake"

Bishop Tutu said the church must oppose total strategy with all the fibre of its being for the sake of South Africa — SAPA



8/05/80 ARKUS

~~165~~ ~~166~~

# Nat call to lift W Cape labour policy

(206)

## Parliamentary Staff

A NATIONALIST MP, Mr A T van der Walt, called on the Government in the Assembly yesterday to consider lifting its coloured labour preference policy for the Western Cape and waiving the work permit system as applicable to black people in Cape Town

Speaking in the budget debate on the Co-operation and Development Vote, Mr van der Walt (NP, Bellville) said he questioned the reasoning behind the coloured labour preference policy as it discriminated against blacks who were in the region legally.

His viewpoint seemed to clash with a hardline stand taken by another Cape Nationalist MP, Mr

J T Albertyn (NP, False Bay) who vigorously defended the present system and called for a tightening of controls

## 'GAP'

The Minister of Co-operation and Development, Dr Piet Koornhof, praised both speakers for their 'positive' contributions to the debate. He said the Government was making progress towards improving influx control and making it 'more humane'

Earlier, Mr van der Walt had said there was a tremendous gap between Government policy and what was happening in practice

The crux of the problem in the Cape Peninsula was the presence of about 100 000 illegal black people

Mr van der Walt asked the Minister whether the Government had a plan to deal with this problem and what would be done about it

The answer to this question would depend, firstly, on the lifting of the coloured labour preference policy secondly, it would depend on a form of home ownership and, thirdly, on an improvement in the quality of life of the legal black community

## 'SYMBOLIC'

Mr van der Walt asked the Minister to consider seriously a 1979 request of the Cape Community Council 'to waive the work permit system as applicable in Cape Town.'

Mr Albertyn said the Western Cape had become symbolic of the white

people's homeland in South Africa and was the only region in which blacks were in the minority.

Because of this, National Party congresses had passed resolutions for the protection of the whites in the Western Cape and for making it a white-coloured labour preference area.

The Cape National Party would, therefore, find it very difficult even to consider granting leasehold rights to blacks in the Western Cape or lifting the labour preference policy.

Mr Albertyn suggested that those black people who did have legal status in the area had a duty to help rid it of blacks who were there illegally.

**'Legal blacks must help oust illegals'**

THE Cape National Party would find it very difficult even to consider granting leasehold rights to blacks in the Western Cape or deproclaiming the region a coloured labour preference area while there were almost as many blacks illegally in it as were there legally, said Mr J T Albertyn (NP False Bay). The blacks who were there with legal status had a duty to help rid it of those who were there illegally, he said.

0067 RDM 8/5/50



**'70% of W Cape illegals employed'**

MR A T van der Walt (NP Bellville) said about 70 000 black workers illegally in the Western Cape were employed out of a total of about 100 000. The vast number of illegal blacks lowered the quality of life of the legal blacks, he said, and black people lived in worse conditions in the Western Cape than anywhere else in the country. He said the situation demanded Dr Kooijse's serious attention.

ADM 8/5/80

Reports by Political Staff and Sapa

DD 8/5/80 (206)

# Govt firm on ~~the~~ race separation

**THE ASSEMBLY** — The government was committed to scrapping "hurtful and unnecessary discrimination" — but separate group areas, separate schools and sovereign ethnic governments remained non-negotiable in terms of National Party policy, Dr Piet Koornhof Minister of Co-operation and Development, said yesterday.

Speaking during the debate on his vote yesterday, Dr Koornhof hit out at critics who said the government's reform initiatives had ground to a halt

South Africa was undergoing a process of "profound reform" and anyone who said the initiatives of last year had become bogged down did not know what was happening around him, he said

Dr Koornhof said that the government believed all groups should have their own residential areas, and separate education, which he said could be defended because of different cultures and needs

However, he could not go into detail because

other departments were involved

"I also do not want to create false hopes among the broad black population," he said "However, all recommendations will be carried out as soon as possible

In a wide ranging 90-minute speech, Dr Koornhof

- Announced administrative changes that would lessen the amount payable by blacks on the 99-year lease plan.

- Said the experiment underway in Bloemfontein and Pretoria to scrap the 72-hour restriction on "illegal" blacks in urban areas would be evaluated after six months, and the government would take a decision on the matter

- Hinted strongly that the

government was planning a system of dual citizenship within a future confederation of states

- Made it clear that homelands would have to take independence before a confederation of states could come into being.

- Repeated that the government was trying to find a "more effective, humane and non-discriminatory" method of influx control

- Said the government was considering an umbrella body to govern a constellation of states in which urban blacks would not only have representation but a direct say

Dr Koornhof said the process of change would be an ongoing thing — PS.

See also page 7.







HOUSE OF ASSEMBLY —  
The Government is trying to formulate an identification system for blacks without the humiliating elements of the passbook system, the Minister of Co-operation and Development Dr Piet Koornhof, said yesterday.

Replying to the debate on his Budget Vote he said there were elements in the present system which greatly disturbed him and which he was committed to alter.

"My Department is presently engaged in talks with the governments of various national states in this regard, as certain legislation is necessary from their side," he said.

"Talks then have to be held with the industrial and commercial sectors."

If the practical problems of the 72-hour restrictions were ironed out, "we will be much closer to the ultimate solution to our problem," he said.

"There are 16 million people carrying passbooks. It is a delicate issue and has to be treated with the utmost care. We are not playing dolls. It is important that I get the co-operation of everyone and a necessary degree of patience must be shown."

Mr Ray Swart (PFM Musgrave) said the Government should spell out clearly the future of black states which did not accept independence and whether KwaZulu was regarded as an integral part of South Africa.

"What does the Government see as the future constitutional development of these regions whose people opt not for the Government's brand of independence but to remain part and parcel of the Republic of South Africa under the sovereignty of this Parliament?" he asked.

"What will be the future economic and political stake of these people who live in these non-independent states, in the South Africa of which they are part?"

When the Government produced its constitutional plan before the last election, it expressly excluded blacks from participation in the proposed Council of Cabinets although it included representation from both the coloured and Indian communities.

When the question was asked then, what if the coloureds and Indians were to

# Govt is looking for a 'humane' passbook

THE CO-OPERATION VOTE

withhold their cooperation in the implementation of the plan the National Party had said. "They will then be in exactly the same position as the homelands which are rejecting independence. They remain where they are. We lay the table and those refusing to sit down shall do without."

"Is that still the Government's attitude?"

Mr Swart said Government Press reports had stated clearly that blacks would be excluded from the proposed President's Council.

"I want to warn the Government and the Minister that if these reports are true and if this is their intention they will be setting South Africa on a final disaster course — to quote the former Prime Minister, 'with consequences too ghastly to contemplate'."

"It will be a calculated and deliberate slap in the face of millions of black South Africans who are entitled as much as any coloured Indian or white South African to participate jointly in deliberations relating to the future constitutional development of this country."

"It will cut the ground from under the feet of homeland leaders and other blacks who have exercised considerable patience and restraint in

their quest for peaceful change in South Africa in the face of mounting demands and demigration from the militants among our black population."

In the field of race relations Dr Koornhof was the biggest, if not the only asset which the Cabinet had, and his personal reputation with homeland and other black leaders was high.

"But I must warn him that he is the last tenuous link of credibility between the Government and the mass of the black population of South Africa and unless he and the Government produce the goods with urgent and meaningful changes, that link will soon snap."

"The exclusion of the mass of blacks from equal and joint participation in the discussions of immediate constitutional changes, and affronts to homeland leaders, must surely snap that thin and slender line of credibility."

He urged Dr Koornhof to clear up the Government's position in relation to the KwaZulu initiative concerning the establishment of a commission to discuss the relationship between KwaZulu and Natal.

"Is KwaZulu an integral part of South Africa or is it

not and if it is not, what is it?"

He referred to speeches by NP MPs in the Assembly last week, and to one made by the Prime Minister Mr P. W. Botha, in this regard.

"The Prime Minister, on two or three occasions, said it was the right of Chief Buthelezi to establish a commission to investigate matters concerning his country", but went on to say "If the idea is to deal with matters falling under the jurisdiction of the South African Government I say no."

Chief Buthelezi has steadfastly indicated that he does not want independence for KwaZulu. What then is his country? Surely it is the Republic of South Africa just as it is the country of the Minister and all of us in this House.

"For a long time it has been evident that there is a campaign among sections of the NP to denigrate Chief Buthelezi at every opportunity. It is disgraceful, hurtful and totally irresponsible," he said.

Dr Koornhof said South Africa was undergoing a process of profound reform and anyone who said the initiatives of last year had become bogged down did not know what was happening.

"I do not want to create false expectations among the black people because I am here to look after their interests," he said.

He wanted to give the assurance that steps once started, would be carried through to the end and that all recommendations would be considered and implemented at the earliest possible date.

In following up his earlier announcement to take action to eliminate "hurtful discriminatory provisions" he had appointed the retired former Chief Commissioner of the Witwatersrand to identify such measures and to make recommendations.

"I want to assure this House that much has already been done in this connection," the Minister said, but added he did not want to identify all the points on which recommendations had been made as they were subject to consideration by his own Department but by outsiders — Sapa.

enter in question which it has (2) and

nal

mate-room

other e invi-

e coming the

Do not write in the left hand margin

**Any dishonesty will render the candidate liable to disqualification and to possible exclusion from the University**



DD 10/5/80 (3) (206)  
**130 000 pass offences**

**THE ASSEMBLY** — While violent crimes were on the increase, the police spent most of their time arresting people for petty statutory crimes, such as pass offences, Mrs Helen Suzman (PFP Houghton) said yesterday.

Speaking during the police vote she said people who would be regarded as respectable law abiding citizens in most other countries were being turned into statutory criminals because their papers were not in order.

The 1979 police report showed police had acted against almost 130,000 people over registration and production of

documents

On the other hand out of 1 151 reported rapes in Soweto only 555 — about half — were brought to trial.

Of 648 reported murders between July 1978 and 1979, only 151 — less than a quarter — were brought to trial — PS

**Monday's business**

**THE ASSEMBLY** — Monday's business Resumption committee stage, Appropriation Bill (Prisons vote followed by Industries, Commerce and Consumer Affairs vote). — SAPA.

Why is the M.P.P. - refers  
 were a M.R. - this is  
 M.R.

# 'Harsher influx law aimed at foreign blacks'

By STEVEN FRIEDMAN  
 Labour Reporter

A RECENT Government regulation which tightens up influx control is aimed only at foreign blacks according to the Department of Co operation and Development

But the department has conceded that blacks qualified to live in the urban areas have been affected and has said the regulations would be changed to prevent this

Late last year regulations in the Government Gazette laid down that black workers with temporary identification certificates could not be registered in jobs or recruited for them

These certificates are issued to blacks who are awaiting their reference books and could previously be used for recruitment and registration

The Black Sash said at the time the new regulation would make it more difficult for "thousands of people" to be registered in work and observ-

ers saw the move as a tightening up of influx control

Departmental spokesmen said later the regulation was not being applied because it was being redrafted

But the Rand Daily Mail reported that it was, in fact, being applied in black rural areas and was making it more difficult for people in those areas to find work

In response to questions put to it by the "Mail", the department said at the weekend the regulations had been changed "due to irregularities which took place with foreign workers"

A departmental spokesman said the term "foreign workers" referred to blacks from neighbouring states only, not those from independent homelands

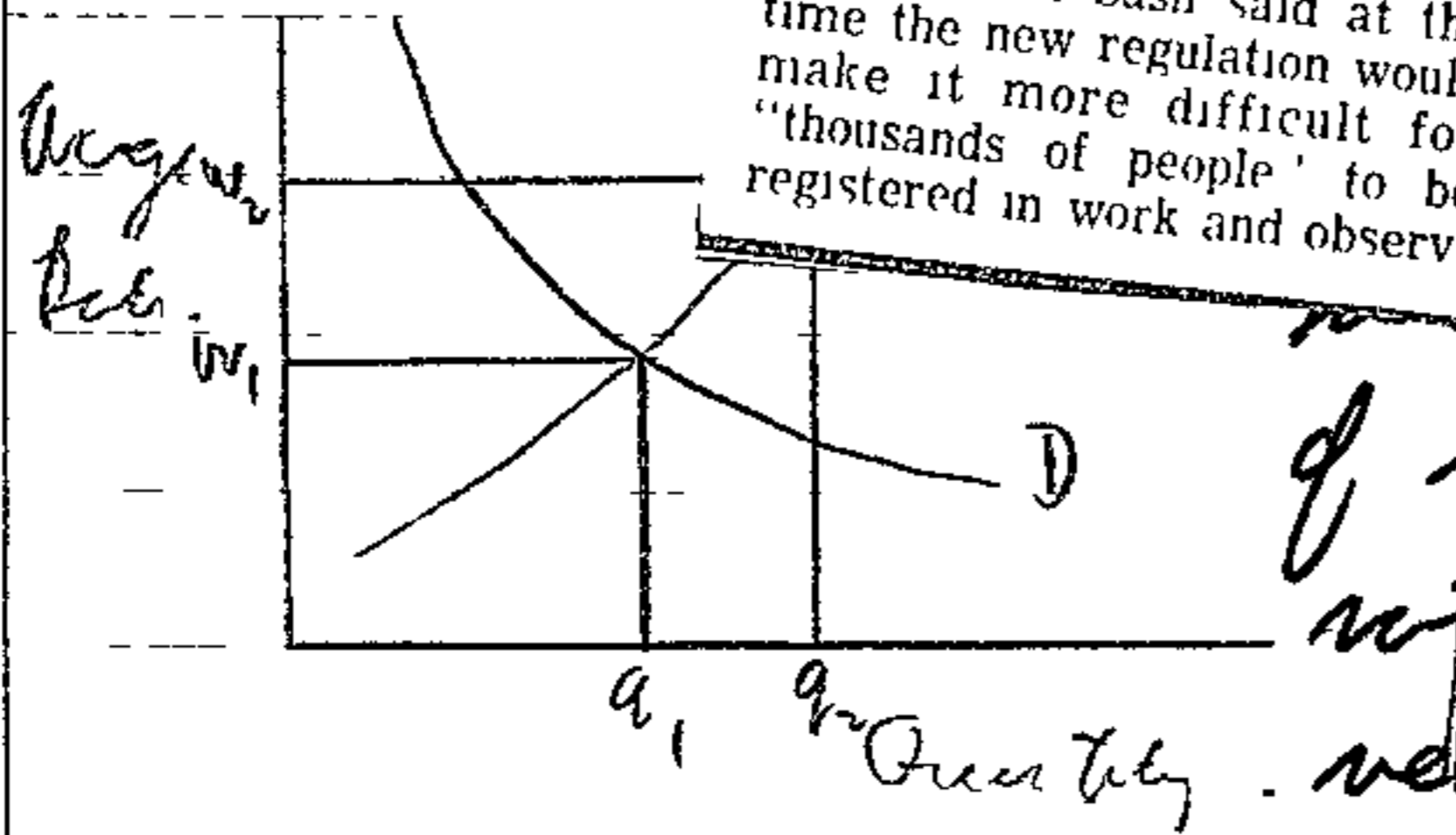
All labour offices had been told not to apply the notice after it had been discovered that blacks with urban residence rights were also affected according to the department

A notice amending the regulations would be gazetted 'in due course' and would have the effect of "eliminating the possibility of illegal foreign blacks misusing the temporary identification certificates"

produced by  
 factor.  
 a output.

If we assume  
 some slope  
 distinctly the  
 no would

The supply of



the M.P.P. by the  
 some slope  
 of downwards

very rate from W<sub>1</sub> to  
 supply of the  
 led increase to q<sub>2</sub>  
 is a sudden influx  
 a higher wage  
 needed to attract  
 return those students.

Doctors earn more than doctors because of the scarcity of qualified doctors.





# 200 in court after crime swoop

STAR 26/5/80 (206)

More than 200 men and women who were arrested in the Johannesburg area during a police swoop at the weekend appeared in the Johannesburg Magistrates' Court today.

They faced charges varying from trespass, drinking in public, failing to produce their reference books and failing to produce special permits to remain in the city until midnight on Saturday.

Most pleaded not guilty

but some pleaded guilty to the charges.

A hearing for those who pleaded not guilty was postponed to May 28 and bail was set at a maximum of R30 each. Those who pleaded guilty were fined amounts from R10 (or 10 days) to R30 (or 28 days imprisonment).

Nearly 2000 people were arrested in the swoop, which covered the Witwatersrand, and 48 of these had been held for serious crimes, a police spokesman said today.

- 415.
- 416.
- 417.
- 418.
- 419.
- 420.
- 421.
- 422.
- 423.
- 424.
- 425.
- 426.
- 427.
- 428.
- 429.
- 430.
- 431.
- 432.
- 433.
- 434.
- 435.
- 436.
- 437.
- 438.
- 439.
- 440.
- 441.
- 442.
- 443.
- 444.
- 445.
- 446.
- 447.
- 448.
- 449.
- 450.
- 451.
- 452.
- 453.
- 454.
- 455.
- 456.
- 457.
- 458.
- 459.
- 460.
- 461.
- 462.
- 463.
- 464.
- 465.
- 466.
- 467.
- 468.
- 469.
- 470.
- 471.
- 472.
- 473.
- 474.

C	K...
	NANTS.
L	1541
S	IONOLOGY
A	LANHAM, I.W.
D	1964
T	THE PROLIFERATION AND EXTENSION OF BANTU PHONEMIC
	IMEN AND HOTTENTOT.
P	PROCEEDINGS, 9TH INTERNATIONAL CONGRESS OF LINGUIS
	THE HAGUE,
C	BUSHMAN, HOTTENTOT, XHOSA, ZULU, SWAZI
L	1500
S	COMPARATIVE PHONOLOGY
A	LICHTENSTEIN, HEINRICH
D	1811, 1812
T	REISEN IM SUDLICHEN AFRIKA IN DEN JAHREN 1803, 180
P	BERLIN, SALFELD. 2V.
C	DIERKS LIM 7/ 7 : DIE SUIGKLANKE VAN XHOSA HET
	TE IN VERBAND GERRING EN HULF OOK SOUS BY HOTTENT
	SKEI.
L	1541
S	PHONETICS
A	LICHTENSTEIN, HEINRICH
D	1812, 1815
T	TRAVELS IN SOUTHERN AFRICA IN THE YEARS 1803, 180
	. PLUMPTRE.
P	LONDON, COLBURN. 2V.
C	DUKE BS 14/1940 210 : IN THE APPENDIX HE DISCUSSED
	SA SOUNDS, INDICATING THE CLICKS BY NUMBERS .. AND
	HAT XHOSA DERIVED THE CLICKS FROM THE HOTTENTOT LA
L	1541
S	PHONETICS
A	LOUW, J.A.
D	1963
T	HANDBOEK VAN XHOSA.
P	JUHANESBURG, BONAPERS. 268P.
W	A496.3441-5 LOU
A	LOUW, J.A.
D	1968
T	THE INTONATION OF THE SENTENCES AND ITS CONSTITUE
	GA.
P	UNPUBLISHED REPORT OF A RESEARCH MADE FOR THE NAT
	SEARCH, PRETORIA. 145P.
L	1541, 1553

STRUCTURE OF AFRICAN C

INDIA ETC.

INS A CONCISE DESCRIPTION



# Police swoop mostly netted pass offenders

STAR  
27580  
206

## Crime Reporter

Most of the people arrested by police during the weekend crime prevention swoop on the Witwatersrand were "pass offenders."

Although 48 people were arrested for "serious crimes," 792 were caught for trespassing and nearly 850 for other offences under influx control regulations.

Police say that the op-

eration was a success because it has cleared the affected areas of the criminal element.

Some serious crimes were prevented by the presence of the police — nearly 1700 policemen were involved — and useful information has been gathered for the compilation of a map giving statistics about crime on the Witwatersrand, a spokesman has said.

1  
3  
5  
7  
9  
11  
13  
15  
17  
19  
21  
23  
25  
27  
29  
31  
33  
35  
37  
39  
41  
43  
45  
47  
49  
51  
53  
55  
57  
59  
61  
63



OF STAT-LINE.

OF STAT-LINE.

I-SPACE OF STAT-LINE.  
E.

II-SPACE OF STAT-LINE.  
CE.

OF STAT-LINE.

OF STAT-LINE.

OF STAT-LINE.

OF STAT-LINE.

OF STAT-LINE.

F STAT-LINE.

# Man dies in pass raid

STAR 28/5/80  
206

During a pass raid in Kibler Park yesterday, an inspector of the Department of Co-operation and Development shot a man, Mr Bhebhli Kanya, dead. Mr G R Steyn and a colleague carried out the raid after residents had complained of criminal activity in the area. Mr Steyn challenged a man he saw walking in Peggy Vera Street. When the man fled, he gave chase.

Mr Kanya allegedly hurled a stone at Mr Steyn, hitting him on the forehead. Mr Steyn drew his revolver and fired three shots, which killed Mr Kanya.

Police are investigating





# MPC weeps in court plea on maid's baby

Staff Reporter

A MEMBER of the Transvaal Provincial Council Mrs Pat van Rensburg burst into tears in the Randburg Magistrate's Court yesterday while she was pleading in mitigation of sentence for allowing her domestic baby to live on her premises.

The court adjourned when Mrs Van Rensburg found she could not continue with her statement dealing with the domestic's plight and what she called the inhumanity of apartheid.

When the court resumed the magistrate Mr B van der Merwe, told her: "I do not want to hear any more of your statement. The court is here to deal with the facts of the case and emotional factors cannot be taken into account."

She was found guilty cautioned and discharged.

In an interview afterwards, Mrs Van Rensburg said she had intended to tell the court she would elect to go to jail rather than pay a fine if sentenced.

She had pleaded not guilty to a charge under the Urban Areas Consolidation Act for allowing the two-year-old child to live on her premises.

Mrs Van Rensburg outlined the reasons her domestic Mrs Grace Ntsimane kept her baby with her.

She said Mrs Ntsimane was building a house in Bophuthatswana.

Mrs Ntsimane told her late last year that she was pregnant and would be returning to her village.

But shortly afterwards her

house was partly destroyed in a storm and she asked Mrs Van Rensburg if she could stay on in her employ keeping the baby with her after its birth.

On February 5 this year Mrs Ntsimane phoned and told her an inspector from the West Rand Administration Board had found the baby on the property and a summons had been issued against Mrs Van Rensburg.

A Wraab official confirmed to her the following day that babies were not allowed to stay with their mother in restricted areas.

Mr A F C Gey van Pittius, a Wraab inspector, told the court he was doing a routine check that day which included looking for babies kept illegally with their mothers.

Mrs Van Rensburg asked him whether on endorsing a child back to its homeland the board investigated whether there was anybody to accommodate it or to feed it.

Mr Gey van Pittius replied that this was not part of his job.

Interviewed after the hearing Mrs Van Rensburg said that at the end of the statement she was unable to complete she had intended telling the court that if she were found guilty and sentenced she would elect to serve a prison sentence.

This is an example of the vicious and inhuman system of apartheid at its very worst.

I am no longer prepared to merely criticise the system that callously separates mothers, babies, husbands and wives. In a small way, as a humble white Christian mother, I am going to stand by a humble, black Christian mother irrespective of the consequences for the cause of decency for the sake of my country and for the sake of our children," she said.

A black mother was told she would have to send her two-month-old baby to the homeland if she wanted to continue in her employment.

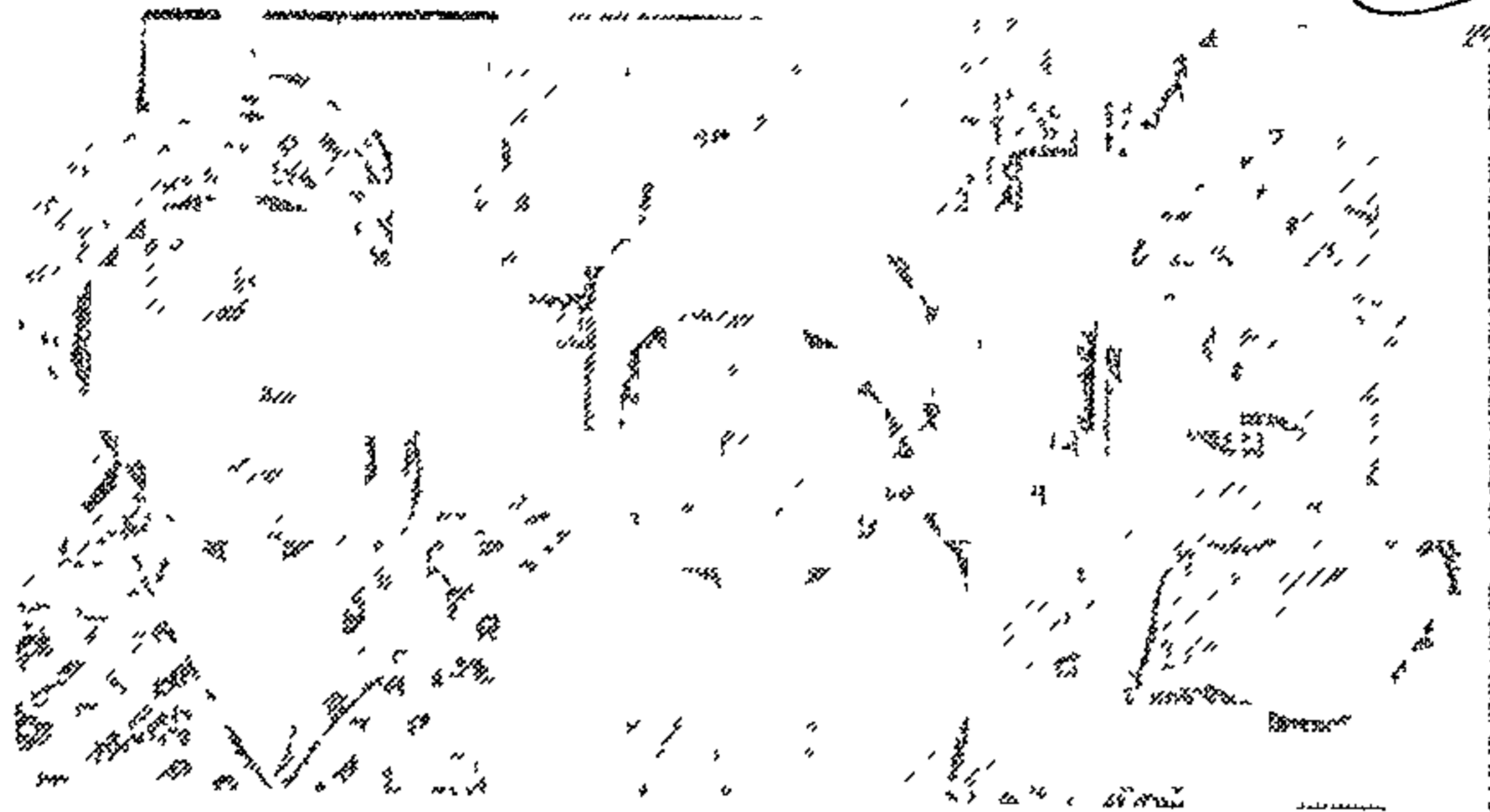
And questions concerning the baby's welfare do not appear to concern the architects of the evil that is apartheid," she said.

# The baby that made the councillor a criminal

STAR. 27/5/80

200

~~708~~



Mrs Grace Ntsimane, her son Tshepo, and Mrs Pat van Rensburg

By Linda Shaw

Mrs Pat van Rensburg, MPC and mother of four, could never be described as criminal — but she became one to help her friend keep her baby

The birth of a baby in the van Rensburg house hold caused excitement two months ago. For a friend as loved as Mrs Grace Ntsimane, baby-sitting was for Mrs van Rensburg a pleasure, not a chore.

But this baby was black,

and no amount of its tears would convince authorities that the child should be with its mother.

"I chose to ignore the document I had been forced to sign denying my maid the right to keep her child," said the councillor.

When officials of the West Rand Administration Board arrived with documents ordering the child's removal, Mrs van Rensburg knew it was time to make a stand. She packed

her bags, summoned her husband back from Parliament, and headed for the court.

"I will not pay a fine to support this inhuman system," she said.

"If you choose to find me guilty for supporting my friend, then put me in jail."

A Randburg magistrate found Mrs van Rensburg guilty and let her go.

But for a tiny two-month old baby the fear is always there.





# Apartheid's ultimate labour system

Don 2/6/80 (206) (L&A)

At a time when slick words about change are falling so easily from so many lips, our Labour Correspondent has unearthed details of a new labour system being evolved in the Ciskei that should make those words stick in every South African's throat. Because the system must surely represent the ultimate in any institutionalised form of human exploitation.

The system is very simple. We pay lip service to the principle of free enterprise but don't permit its concomitant, which is a free labour market. Black workers are not allowed to sell their labour where they choose. The pass laws and influx control system regulate their presence in the "white" areas, and thousands are swept up in periodic police raids to be endorsed out to the tribal homelands.

The fact that there is no work in these tribal homelands makes no difference. That is where the system requires that they be sent.

The result is that massive concentrations of unemployed people have landed up there. All the homelands are suffering from this choking problem, but none more so than the Ciskei — which happens also to be receiving most of

the blacks being cleared out of the Western Cape in accordance with yet another separate development decree. As one top Ciskei official says, from the air the whole homeland looks like "one vast settlement", and for these multitudes the Ciskei Department of Manpower Development has been able to create jobs for 0,0001%.

Thus separate development has turned the homeland into a vast labour reservoir. And now the system is being refined to pipe this labour from the reservoir to where it is needed in "white" South Africa. Details of each work-seeker will be kept in a Ciskei Government computer, and when the requisition orders come they will be called up and despatched as required — with warnings that if they don't give satisfactory service they may be punished on their return and a black mark entered against their record in the computer.

This is Dickens in the computer age. Ordinary South Africans may find it horrifying, but the point they must grasp is that it is the logical culmination and ultimate perfection of the system of separate development.

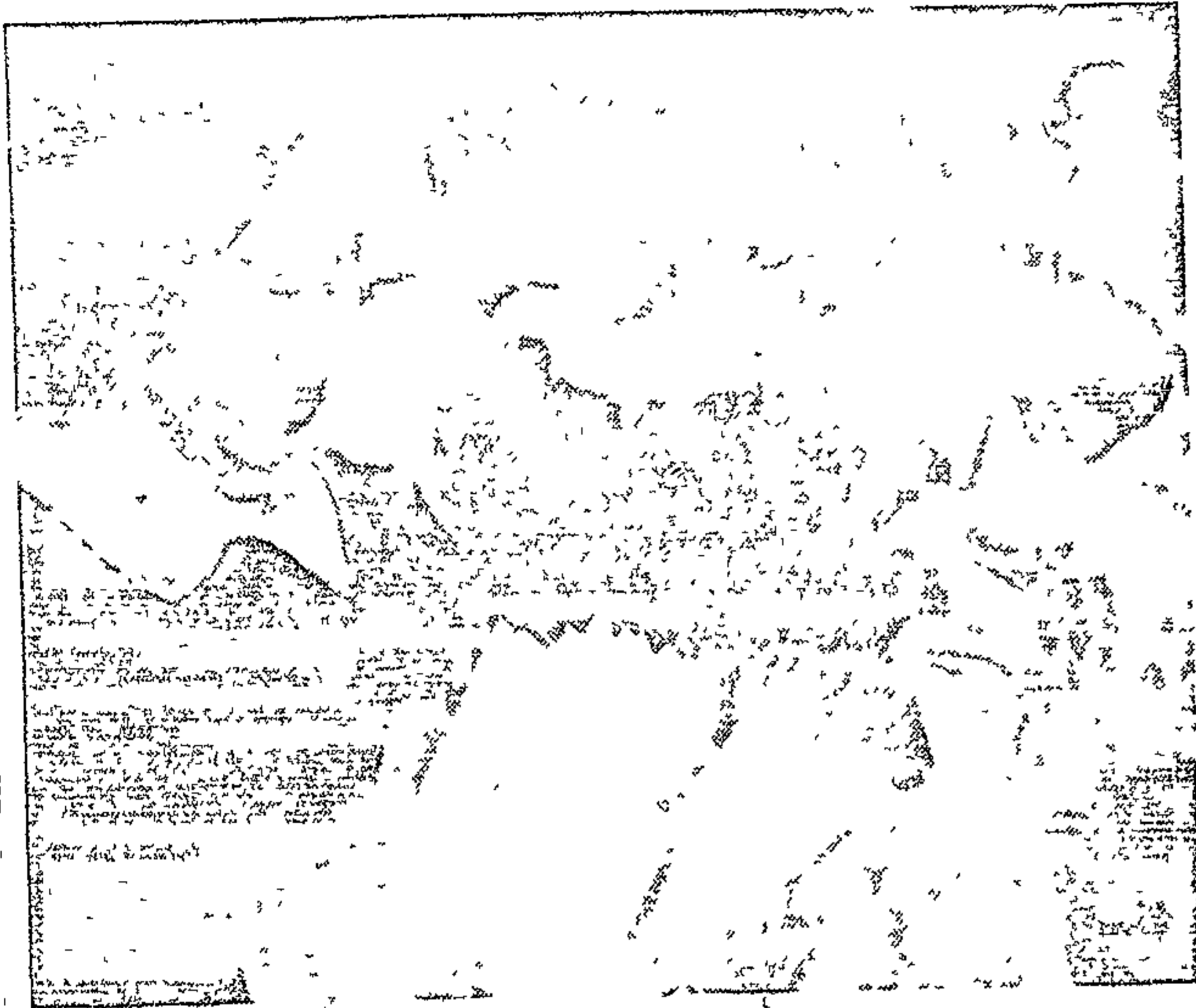


# HOUT BAY SWOOP

9/6/80 ARCUS

207

263



ANGLICAN lay minister Sister Ann Andrews examines notices to appear in court which were served on squatters in Hout Bay today.

Squatters flee

as board

inspectors call

ADMINISTRATION BOARD inspectors today issued notices to about 18 residents of the squatter camp above Hout Bay harbour to appear in court on charges of being illegally in the Peninsula

Residents and many people fled into the bush above the camp after the inspectors arrived in four vans about 9 am

Miss Mabeline Markham said inspectors had 'promised' to demolish all the shacks in the camp, at night if necessary

'How can they do that? Our husbands are at sea and we have no place to go,' she said

'We're suffering. We have children. What must we do?'

Mrs Cordelia Qawuli whose husband was served with a summons, said mothers had been warned that if they ran away their children would be taken

### 'Guilt' fines

A senior Administration Board inspector said the camp residents had been warned three times to apply for train tickets to the peninsula

The people served with notices are due to appear in Luita Commissioner's Court on Wednesday. Admission of guilt (fines of R5) or R55 are payable

Sister Ann Andrews, an Anglican lay preacher in Hout Bay, said about 10 husbands charged with harbouring their wives were due to appear in Wynberg Magistrate's Court on the 11th

on the  
labour  
venue  
the  
ect. If  
waged  
wage  
it  
is the  
never,  
working  
yield

will pay the employees  
40th man the 41st  
(because of the low  
marginal returns) will  
less production and  
revenue than the 40  
will be less than R16  
we still have to pay  
wage of R16. We there  
making losses when w  
than 40 men but we are  
making less profits than is possible,  
if we employ less than 40 men.  
We therefore employ labour up to the  
point where MRP equals the existing

is MRP  
but  
forced  
it  
y more  
be

# 200 000 pass arrests

CAPE STAR  
10/6/80

206

Political Reporter

CAPE TOWN — More than 200 000 black people were arrested for offences relating to reference books and influx control in South Africa last year

The South African Police last year arrested about 120 000 people for influx control offences,

while administration board officers arrested 83 397

This emerges from replies given by the Minister of Police, Mr L le Grange, and the Minister of Co-operation and Development, Dr Koornhof, to questions tabled in Parliament by Mrs Helen Suzman (PFP, Houghton).

Commenting on the figures released by the Ministers, Mrs Suzman

said it seemed that Dr Koornhof's war against the pass laws had not had much of an impact yet

Although there had been a slight drop compared with 1978 (when 224 308 people were arrested for influx control offences) Dr Koornhof would have to do much more to be able to say he had won the first battle.



# 'Breach of census secretcy' a mystery

By CHRIS MARAIS

A JOHANNESBURG family has been told that information they gave in census forms has been passed on to the West Rand Administration Board for investigation

But after a thorough check by both the Department of Statistics and Wrab, officials have come to the conclusion that the family, who may not be named, were potential victims of a suspected blackmail attempt

Early last week the family submitted a signed statement to the Rand Daily Mail on the matter. They said they had an unregistered Rhodesian black living on their premises.

On May 29 three weeks after submitting their census form containing this information, three men claiming to be Wrab inspectors visited their premises.

The men, according to the statement, belligerently questioned the family maid about the "garden boy".

"During the course of the raid one of the men asked our maid where the 'garden boy'

was who had been included in our census form' the statement said

That night a black man calling himself as "Inspector Hlondwene" telephoned the family and said he and two white inspectors had visited their home after gleaning information from their census form.

"He said he was just trying to save us from paying a fine and put the phone down," the statement said.

The 'Mail' approached the Department of Statistics and told them about the matter.

Mr Andries van der Walt, a spokesman for the department, said all personal information given on a census form was covered by a secrecy clause in the Census Act.

"Some people have filled in that they are professional thieves. Even information like this we cannot pass on to the authorities."

He said if the incident was true as reported, it would be the first case of a breach of census secrecy since 1904.

He referred the Mail to the

department's chief statistician, Mr Neville Gouws.

Mr Gouws, after being told about the matter, then discussed it with Wrab.

"I was told they simply did not operate like that and that they had not been given any census information," he said.

The Department of Statistics investigated further. They questioned the enumerator for the area as well as his area superintendent.

"The enumerator is an immigrant student who has only been in South Africa for two years. It appears he did not even know that Wrab existed. I am satisfied that the information did not come from him," Mr Gouws said.

"Wrab also checked their staff lists and could find nobody called Hlondwene on them."

"It seems someone might have been trying to blackmail the family, perhaps later charging them a sum of money to have the case forgotten. The three men who visited them must have been impersonating Wrab inspectors."

RDM 10/6/80.

## Man on corruption charges

CAPE TOWN 11/6/80  
Staff Reporter

AN EMPLOYEE of a Cape Town stevedoring company, Mr Farrell Tshangana appeared in the Magistrate's Court yesterday on charges of corruption involving R25 000.

Mr Tshangana, 49, of Block E, Ianga, is alleged to have been paid money by stevedores to obtain documents to work in Cape Town.

He is alleged to have used the names and documents of legally-registered people.

Some of the payments are

alleged to have been made on a monthly basis since 1963 and individual amounts allegedly paid by stevedores to Mr Tshangana over the years range from R25 to R4 000. He also faces alternative charges of fraud and theft.

Mr Tshangana was not asked to plead and no evidence was led. The case was postponed till July 17.

Mr B Carroll was the magistrate. Mr N Jones prosecuted. Mr L Wiener of Snitcher, Cohen and Snitcher appeared for Mr Tshangana.



# 42 Guguletu men appear in court

Cape Times 13/6/80

Staff Reporter

FORTY-TWO Guguletu contract workers appeared in the Langa Commissioner's Court yesterday charged with being in the area illegally under Section 10 (4) of the Urban Areas Consolidation Act

The charges follow a strike by the workers at Table Bay Cold Storage in Paarden Eiland. The workers were dismissed and contracts for the migrant labourers were terminated.

Forty-two were arrested yesterday at 4:00 am at the Table Bay Cold Storage hostel in Guguletu.

One of the workers who appeared, Mr Wiseman Dikizana, pleaded not guilty to the charge. He said he did not regard his contract as being terminated and did not consider himself as being illegally in the area.

If the labour dispute can be settled, I am prepared to take my job again, he told the court.

A Cape Town police officer, Captain Gerry Strydom, told the court that if the men were released, they would intimidate people now employed in their places.

The commissioner, Mr W Fourie, said the evidence given by the police officer could not be disputed. He remanded the men till June 18.

Mr J J Fourie prosecuted. Mr Lee Bozalek appeared for the men.

42 <sup>(206)</sup> <sup>(12)</sup> <sup>(14)</sup> <sup>(15)</sup> Came meat  
striker's <sup>(3)</sup> arrested  
13/6/80

By STEVEN FRIEDMAN  
Labour Reporter

FORTY-two black workers who are on strike at Table Bay Cold Storage in Cape Town were arrested yesterday and have been charged with being in the area illegally.

The workers were arrested in a farm road on Table Bay's hostel in Gugulethu township and are being held without the option of bail.

They appeared in court yesterday morning and are due to appear again on Wednesday according to the Western Province General Workers' Union.

The union fears that police plan to arrest all contract workers taking part in the Peninsula's general meat strike — about 200 of the 800 strikers.

The general strike which was sparked by one at Table Bay over a demand that management recognise a worker committee, has also led to a boycott of red meat in the Cape Town area.

Earlier this week, police told the union's lawyers that two union organisers, Mr David

Lewis and Miss Diane Cooper were now being detained under Section 10, the preventive detention clause of the Internal Security Act. They had previously been held under Section 22 of the General Laws Amendment Act.

The arrest of the strikers drew strong reaction from the International Confederation of Free Trade Unions, which represents unions in most parts of the Western world.

The ICFTU said it viewed the arrests "on a serious light" and would take "whatever action it sees fit" to support the striking meat workers, according to a cable sent to the WPGWU yesterday.

The union issued a statement yesterday in which it alleged that the management at Table Bay was "fully aware" of the police action and had "sanctioned it".

A spokesman for the office of Mr R. J. Selzer, Table Bay's managing director, said yesterday that Mr Selzer was no longer prepared to accept calls from the Press and was not prepared to comment.



# Strikers sent to homelands

SUNDAY POST, 22/6/80

Labour Correspondent  
FORTY-TWO of the Cape Town meat strikers have been 'deported' to their homelands, according to reports received by SUNDAY POST.

A spokesman for the Western Province General Workers' Union (WPGWU), to which the strikers belong, says they believe they have been taken to Worcester, and from there to the homelands. They were arrested last week, charged under the pass laws and refused bail. About 200 of the 800 strikers are contract workers. The union believes the authorities "are setting an example by 'deporting' the 42 strikers".

And on Friday two more WPGWU organisers were detained. They are Miss Zora Mchlo-

kulu and Mr Wilson Si-dina. This brings to six the number of people linked to WPGWU who have been detained.

A statement released on Friday from WPGWU said "The workers were shocked to learn that the labour dispute has been handed over to the police. The workers also deplore the detention of the organisers who had nothing to do with the workers' dispute".

Meanwhile seven East London branch officials of the African Food and Canning Workers Union (AFCWU) have been arrested or detained after a strike in the area last week.

Last week's strike was at Western Province Preserving Company. Over 700 workers walked out because manage-

⊙ To Page 2

17/16/80 AKLMS  
42 told:  
~~meat~~ 900  
Go to ~~188~~  
homelands

FORTY-TWO of the 800 Table Bay Cold Storage meat strikers charged with being in the Peninsula illegally were cautioned and told to return to their homelands when they appeared before a Langa Commissioner's Court yesterday

One of the accused, Mr Fumbathile Maguzu, told the court that the labour dispute had started when workers had not been allowed to elect a workers' committee

#### 'LOCKED'

Mr Maguzu said on the morning of May 6 more than 800 workers were ordered by a Mr Sells, a senior employer at the firm, to leave the premises

However, he said the following morning all workers reported for duty but found the doors locked

He denied that they were expelled from work



# Strikers sent to homelands; unionists held

From Page 1

ment refused to disband the liaison committee. And this week workers at the Koo factory in East London downed tools for a few hours over the same issue. They returned to work after AFCWU committee members told the strikers negotiations with management had started.

The 17 meat firms in Cape Town affected by the strike refuse to meet worker representatives, arguing that the strikers are no longer employees.

But the workers, who have been on strike for two months, say they "stand firm in their demands and will not be stopped by police."

The workers are demanding that Table Bay Cold Storage, where the strike began, and National Meat Supplies recognise worker-elected committees and that all of them are reinstated.

Cape Town University's SRC has set up a Meat Workers Support Committee to collect money for the strikers by selling stickers. A committee spokesman said: "People can pay what they like for a sticker"

In a show of solidarity with the strikers, the Cape Town coloured and African community is supporting a red meat boycott. The strikers have also called for a national boycott of

red meat and red meat products. Johannesburg organisations supporting the boycott include the Soweto Civic Association, Azapo, the Transvaal Council on Sport and the Soweto Traders Association.

A union spokesman said around R20 000 has been received from people all over the country. The strike is costing the union R11 000 a week. The strikers are supporting themselves and their families on a mere R15 a week.

And in Durban churchgoers will today be asked from pulpits to aid workers fired from the Frame Group's textile mills in New Germany, Natal, after the recent strikes there.

A strongly-worded statement from the Christian agency Diakonia to its eight member churches in the greater Durban area, calls the dismissal of about 180 men and women from the mills "a very clear example of victimisation of those who struggle for justice"

Many of the axed workers lost their hostel accommodation when they lost their jobs and must now return to labour bureaux in their homelands to find work.

Those who were fired after they returned to work were mostly union shop stewards, members of the workers liaison committee, and union members. The Frame Group does not recognise unions.



# Registration not difficult - Wrab

By Z B MOLEFE

BLACKS, who employ blacks in the townships, need not have difficulties registering their workers, said a West Rand Administration Board (Wrab) official this week

Mr E Steenhuisen, Wrab's director of labour, added: "This is provided they follow the legal procedures laid down"

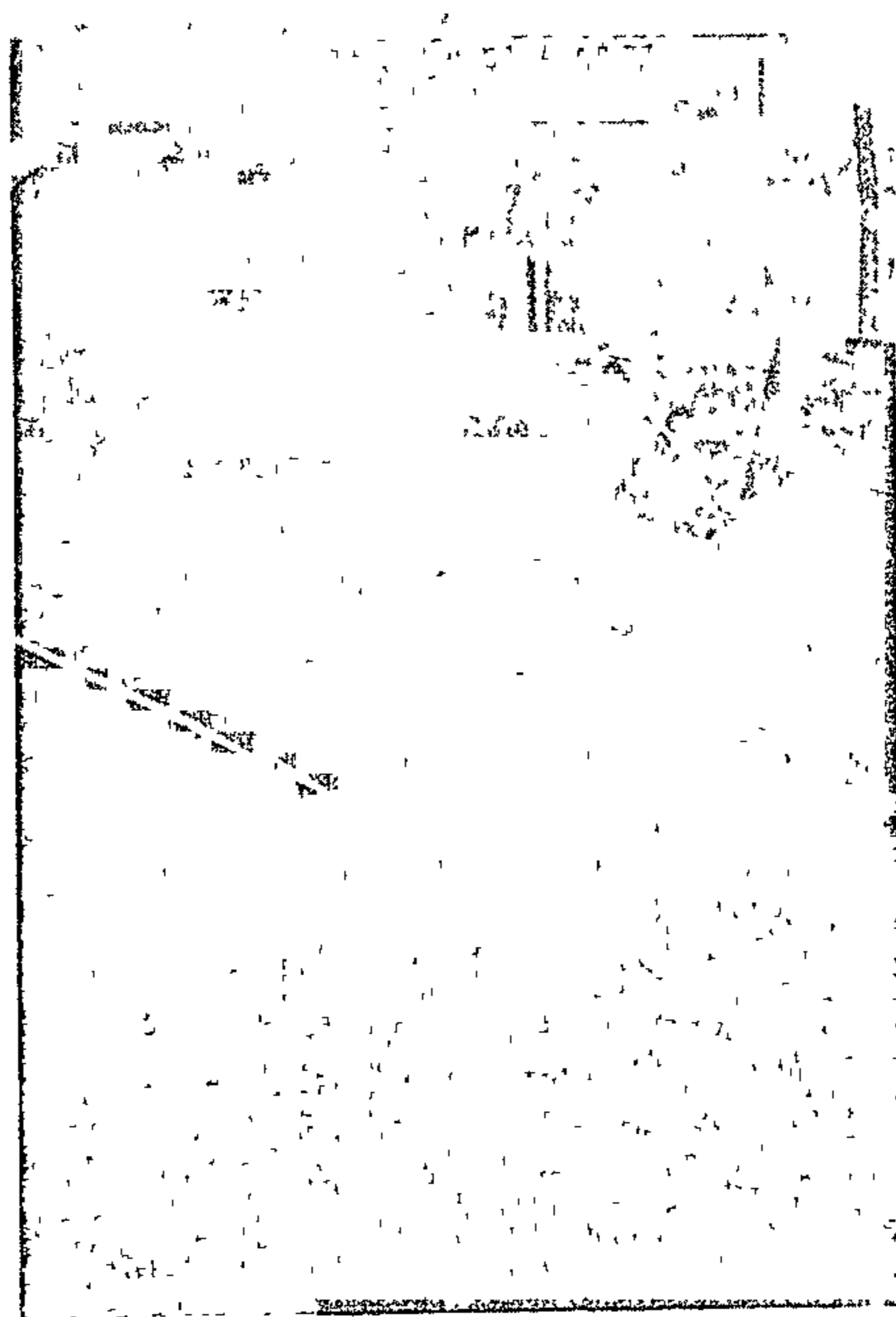
He was reacting to the outcry from employers in the townships who, in a SUNDAY POST series focusing on blacks employed by their own people, complained that their greatest difficulty was registering their workers.

As a result, employers and their employees, agreed that mass exploitation of these workers is rife.

According to Mr Steenhuisen employers in the townships must satisfy the Co-operation and Development Commissioner that their employees have accommodation

Accommodation is in a hostel or with townships' residents where the workers had obtained lodgers' permits

Mr Steenhuisen, then pointed out: "These applications, if approved by the Commissioner, then come to the board."



Soweto's coal workers — a better deal ahead?

## Employing blacks legally a problem - black firms

On the allegation by Soweto coal dealers that they could not get hostel accommodation for their workers from the rural areas because Wrab favoured

white coal merchants' employees, Mr Steenhuisen said.

"In that case, the board has no authority to grant accommodation to workers from out-

side its jurisdiction" SUNDAY POST has learned that the problem of unregistered workers in the townships stems from two reasons.

Firstly, employers are not well-versed in the regulations. And secondly, the majority of these workers would in any case, be endorsed out of the urban areas, if the authorities knew they were there.

This, in a way, explains the trade union's wish to organise workers working for their people in the townships.

### UNIONS TIGHT-LIPPED

Although most of the unions are tight-lipped about their intentions to organise township workers, SUNDAY POST learnt that moves in this direction are afoot

There is also talk that the Department of Manpower Utilisation has been approached to give industrial councils jurisdiction over larger areas. In the case of cities like Johannesburg, this would include Soweto.



# Pass law (206) 'actions' RDM 24/6/80. more rigid — experts

By STEVEN FRIEDMAN  
Labour Reporter

THE number of people acted against in terms of the pass laws is still much higher than official statistics indicate, experts said yesterday.

They were reacting to a report in the Sunday Times which said that Government officials had decided to "doctor" statistics on pass prosecutions in order to create a "more positive image". The report quoted minutes of a meeting of "top Bantu Administration officials" in 1974.

The report also quoted an internal code of practice for officials of Government Aid Centres, which indicated that these centres, which were ostensibly introduced to "educate" blacks about the pass laws, were being used to enforce the pass laws more rigidly and efficiently.

The report also indicates that the aid centres, which examine pass cases before they are referred to courts, are acting against blacks in ways which ensure that their cases do not come to court and thus escape the official statistics.

Experts consulted yesterday said they believed that the number of people acted against in terms of the pass laws was still much higher than official figures, which claim that the annual number of pass arrests has been dropping for several years.

Mrs Sheena Duncan, director of the Black Sash's Johannesburg advice office, said she was "not surprised" at the report. The office deals daily with complaints of people affected by the pass laws.

She said "The official figures have been decreasing of late while, from our experience, the rigidity with which the pass laws are being enforced is increasing."

"This has been the case since last year when recommendations of the Riekert Commission, such as the increased fine on employers of 'illegal' labour, were implemented."

Most sources agree that influx control is being implemented more rigidly since the Riekert proposals came into effect, and though they stress that they have no documentary evidence, they believe that official figures still do not reflect this new rigidity.

They believe that many black people who fall foul of the pass laws are not prosecuted, but are simply acted against in other ways, particularly by being "endorsed out" to their home-

Figures breaking down the cases processed by the Pretoria Aid Centre confirm this view. They indicate that in the year ended March 1979, about 24 000 people were kept "out of court" by the Pretoria centre. But of these, 17 500 were "endorsed out" and sent back to their homelands without a hearing.

According to the Sunday Times officials at the 1974 meeting discussed how to keep blacks in the aid centres in detention for longer than 48 hours without taking them to court, so that they could be dealt with without their cases being entered in the statistics, which are "made public".

A spokesman for the Department of Co-Operation and Development said yesterday that the department was preparing comment on the allegations.

ADM 241  
Pass arrests stopped  
deathbed farewell (206)

By MARIKA SBOROS

AS AN elderly man lay on his deathbed, his two sons were arrested on pass offences while on their way to pay their last respects to him

But they never saw him alive again. Mr James Ndlovu, 79, of Nootgedacht, died of pneumonia while his sons, Jacob, 21, and Jimmy, 17, of Randburg, were held at the Muldersdrift police station for a night two weeks ago.

They had been arrested on a farm in Nootgedacht where they were visiting their mother, and were about to leave for Coronation Hospital to see their father.

But police swooped on the farm after receiving a complaint that blacks were living there illegally. Jacob and Jimmy Ndlovu were arrested.

Their passes were for Randburg, not for Krugersdorp. Mr David Barritt, who rents the farm, said yesterday he immediately went to the police

station to find out what had happened to Jacob and Jimmy.

He said "The police told me that they had been trespassing on my farm, but I said they were there with my permission and I asked whether it would be enough simply to give them letters saying they were allowed to be there."

"I was told that would be fine, so I went home and wrote the letters and took them straight back to Jimmy and Jacob at the police station."

The next day, Jimmy was sent to the Bantu Affairs Commissioner's office in Krugersdorp. He was held there for four days and appeared in the Commissioner's Court charged with failing or refusing to produce references. He was cautioned and discharged.

His brother Jacob was transferred to the Krugersdorp Magistrate's Court where he was charged with the same offence, sentenced to 20 days in prison, and released last weekend after 12 days.

Muldersdrift police yesterday confirmed the arrests and that the two men had been passed on to the two judicial authorities in Krugersdorp.

Jacob Ndlovu said yesterday "The letters didn't help. And our father died later that night while we were being held at Muldersdrift police station."

"We felt so sad. We never saw him alive again."

*education*

*to*  
*B*  
*me*  
*J*  
*J*  
*1*  
*1*

*be allowed  
in food  
unless they  
from results  
for fresh*

*12 1/2*



(206)

25/6/80

Cape Times 25/6/80

# Workers leave Cape

Staff Reporter

FORTY-TWO meat workers who appeared in the Langa Commissioner's Court last week left the Peninsula under police escort last Thursday.

They were some of the 800 meat workers who went on strike last month. More than 150 of the workers are contract workers from the homelands.

The 42 workers were arrested for being in the Peninsula illegally. On passing sentence, the commissioner, Mr W Fourie, said the men should be sent back to the homelands.

A spokesman for the Western Province General Workers' Union said the workers who had been sent back to the homelands would be called back if the meat dispute could be settled.

206

Attorney  
 asked <sup>206</sup>  
 for her  
 RDM 1/7/80  
 certificate

**Staff Reporter**

AFTER appearing three times for a client before the same commissioner, a Johannesburg attorney was yesterday asked to produce her certificate of practice before the court could proceed

Miss Debbie Dison is representing Mrs Rebecca Seshoka who is charged with failing or refusing to produce her reference book on demand and being in the prescribed area of Johannesburg for more than 72 hours She has pleaded not guilty to both charges

The commissioner, Mr J J Joubert, asked Miss Dison if she was authorised to proceed in that court and from which firm of attorneys she came He also asked to see her admission certificate before she could proceed

The court was adjourned while Miss Dison tried to contact the senior counsel for the Legal Resources Centre, Mr Arthur Chaskalson

After a delay the court resumed when Mr Chaskalson and a member of the Transvaal Law Society, Mr William Lane, conferred with the commissioner

Mr Ratha Mokgoatheng, a Johannesburg attorney, said later that it was customary for a magistrate who doubted the credibility of an attorney to ask him or her to produce a certificate of practice

"It is very unusual though, for a magistrate to ask for this document if the attorney has appeared before him on other occasions," Mr Mokgoatheng said

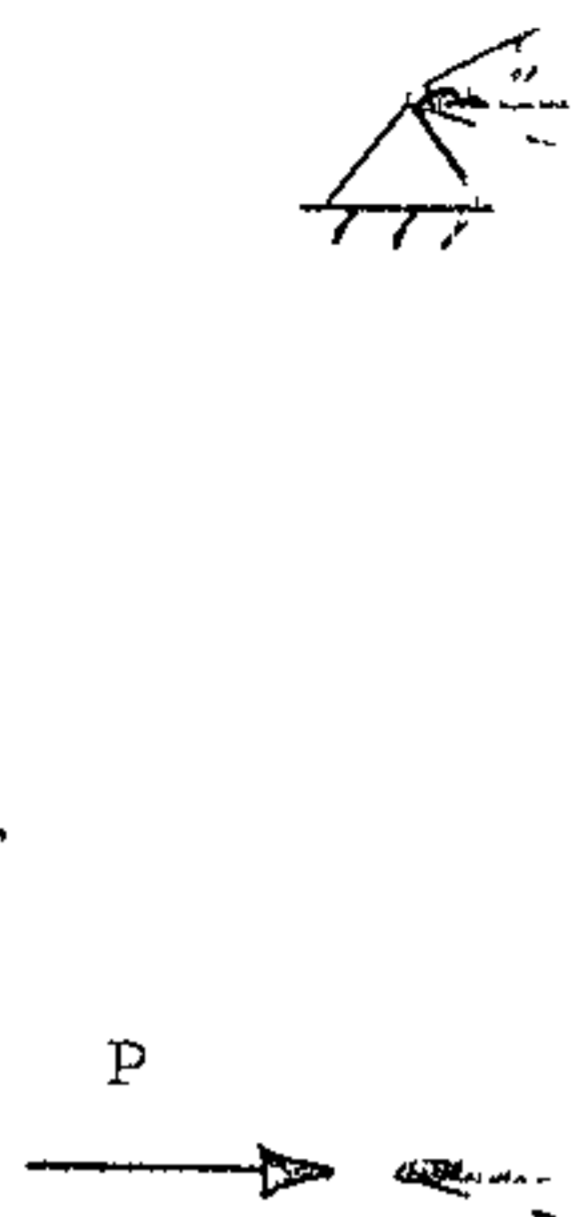
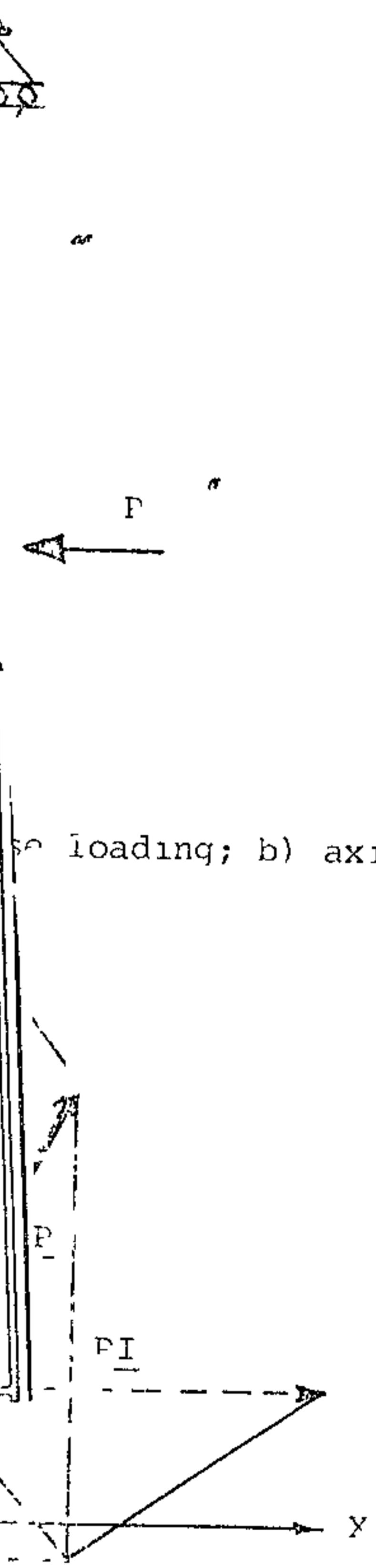


Figure 2.3



so loading; b) axial loading.

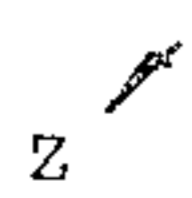


Figure 2.4



# Scrap influx

## control, says

### academic

By ARNOLD GEYER

BLACK unemployment in South Africa — estimated to be as high as 25% by some economists — can be significantly reduced by scrapping influx control, says a University of Cape Town academic

In the latest issue of Outlook an independent journal dealing with religious and racial affairs, Dr Jos Gerson said abolishing influx control and other restrictions on the labour market was the obvious remedy for this serious problem

He said restrictions on the entry of blacks into urban areas, coupled with the recruiting system in the homelands

- Seriously aggravated measured black unemployment
- Tended to bring down wages of migrant workers in urban areas, as well as those of migrants in mining and on white-owned farms
- Increased the mines' and white farmers' supply of migrant labour at the expense of urban employers
- Largely and directly attributed to the exceptionally high unemployment among black women, who were virtually 'locked into' the homelands unless they migrated illegally and
- Led to the confinement of blacks to poverty stricken areas which in turn, caused high unemployment

"In these very poor areas, employment at acceptable — or even liveable — wage rates are extremely scarce," he said

Wages in the few jobs that existed here, such as in the homeland bureaucracy and industries, were artificially high. But even if they were market determined, the decrease in regional unemployment would probably be negligible

In the meantime, as things stand, the black woman's best option is to try to eke out part of her living on the farm and to depend primarily on her migrant husband's earnings," Dr Gerson said

A great many black women would leave the homeland areas and take up employment in the urban areas if they were allowed to do so. And many of those living illegally in the urban areas would also be less inhibited in seeking jobs

Dr Gerson said influx control tended to raise wages of workers entitled to reside permanently in the urban areas

This had two important effects

- The low wages paid to migrants in urban areas, in mining and on white farms were likely to bring down the participation rate of homeland-based men in wage employment
- This made the legal residents obvious targets for lay-offs in times of recession

CAPL  
Times  
10/7/80

# Scrap influx control to cut unemployment, says academic

205 206 235

Own Correspondent

JOHANNESBURG — Black unemployment in South Africa — estimated to be as high as 25 percent by some economists — can be significantly reduced by scrapping influx control, says a University of Cape Town academic

In the latest issue of 'Outlook', an independent journal dealing with religious and racial affairs Dr Jos Gerson said abolishing influx control and other restrictions on the labour market was the obvious remedy for this serious problem

He said restrictions on the entry of blacks into urban areas coupled with the recruiting system in the homelands

- Seriously aggravated black unemployment,

- Tended to bring down wages of migrant workers in urban areas, as well as those of migrants in mining and on white-owned farms,

- Increased the mines' and white farmers supply of migrant labour at the expense of urban employers,

- Contributed to exceptionally high unemployment among black women, who were virtually 'locked into' the homelands unless they migrated

illegally, and

- Led to the confinement of blacks to poverty stricken areas which, in turn, caused high unemployment

'In these very poor areas, employment at acceptable, or even livable, wage rates is extremely scarce,' he said

Wages in the few jobs that existed here such as in the homeland bureaucracy and industries were artificially high. But even if they were market determined, the decrease in regional unemployment would probably be negligible

'In the meantime, as things stand, the woman's best option is to try to eke out part of her living on the farm and to depend primarily on her migrant husband's earnings,' Dr Gerson said

A great many black women would leave the homeland areas and take up employment in the urban areas if they were allowed to do so, and many of those living illegally in the urban areas would also be less inhibited in seeking jobs

Dr Gerson said influx control tended to raise wages of workers entitled to reside permanently in the urban areas



Post 11/7/80

206

# Assistance for pass offenders

By SUZETTE  
NXUMALO

**THE** Witwatersrand Council of Churches is to open an advice office for pass law offenders at the corner of Becker and President Streets, Johannesburg, from Monday, July 21.

The office will help people arrested for pass laws in Johannesburg and Soweto with free legal assistance. It will operate from 7.30 a.m. to 2.30 p.m. from Mondays to Fridays.

Stressing that the office would deal with pass law offenders only, Mr Tom Manthatha, an official of the South African Council of Churches said, "Many people are arrested for pass law offences and are found guilty because they do not know that everybody is entitled to be represented in court by a lawyer."

"People do not realise that they are entitled to ask for a postponement and refuse to answer any questions put to them in court until they have consulted a lawyer," he added.

Mr Manthatha also pointed out that many people did not know what bail is and that they could ask the commissioner to allow bail.

"Bail can simply be explained as a deposit which is paid to the court so that the arrested person can be released while he waits for the trial. It is only given if the arrested person asks for it. If the commissioner grants bail, the arrested person is told how much it is and released once it has been paid."

He stressed the need to keep the receipt after paying bail so that the money can be refunded after the trial.

"When the person has been released on bail, he can then come to our Becker Street offices so that we can help him to get a lawyer. Relatives or friends of the arrested person can also call at

they know the area where the person is arrested and which court they are to appear."

Mr Manthatha emphasized that the Becker Street office would not help with bail money which is often R50.

Free legal assistance for other offences is available through the Legal Aid Board, third floor, Liberal House, 58 Marshall Street, Johannesburg.

# Workers to go 'home' for permits

206 3/9 ADM  
11/7/80

By STEVEN FRIEDMAN  
Labour Reporter

TENS of thousands of black workers registered under last year's moratorium for "illegal" workers will have to return home soon to renew their one-year contracts

The contracts of workers registered in terms of the moratorium expire between next week and October 31, and they will have to return to the homelands to obtain permission to continue working in the cities

Employers who do not take steps to renew contracts could be fined R500

However, a spokesman for the West Rand Administration Board said yesterday that he did not expect problems with the renewal of contracts

About 50 000 workers were registered on the Witwatersrand alone during the moratorium which was introduced on July 13 last year after legislation had increased the fine for employers of "illegal" labour from R100 to R500.

It allowed employers to register all black workers who had been working for them "illegally" for more than a year. Those who had worked "illegally" in the cities for more than three years were also permitted to register — if they had jobs.

However, all workers who were registered during the period — which expired last October 31 — were granted contract-worker status only, and their contracts must be renewed every year.

A Black Sash spokesman said yesterday this had meant that workers who had registered during the moratorium and who had lost their jobs had forfeited their right to remain in the

cities, and had been endorsed out to the homelands

Officials had usually refused to allow them the right to seek other employment or transfer to new jobs, she said

It was not yet clear whether all contracts would be renewed, but she added "We would be very surprised if they weren't — there would be a public outcry"

The WRAB spokesman yesterday advised employers who had registered workers during the moratorium to check the date on which the contracts expired, and make arrangements for their renewal

Workers will have to call at administration board offices with their "F" cards. They will then be issued with a "call-in" card which should ensure that they will be re-registered

All workers must then return to their homelands and report to the local labour bureau for permission to return to work in the urban areas

There is no stipulated time that workers that must remain in the homeland "They can return in two to three days if they wish, but many may decide to take their annual leave," the spokesman said

He expected all contracts to be renewed

In contrast to the hectic days of last year's moratorium, when Wrab and other administration boards laid on extra staff and kept offices open for longer than normal, no special arrangements will be made this year.

"There is a bit of paper work involved, but we don't expect there will be any great problems. We are sure we will be able to manage," the spokesman said



See Times  
13/7/80  
Aid <sup>206</sup>  
centre  
figures  
are  
not  
'juggled'

By MARTIN WELZ

THE Department of Co-operation and Development has denied parts of a Sunday Times report that its internal documents suggest that top officials are juggling statistics on pass offenders in order to avoid unfavourable publicity about the number of prosecutions against blacks.

But the department's Deputy Secretary, Mr S S Potgieter, has refused to comment on the minutes of a 1974 meeting of senior officials which contained the following sentence:

"Aid centre statistics concerning cases sent to court will meanwhile be coloured (ingekleur word) to reflect a positive image."

Instead, the department challenged the suggestion that the main aim of aid centres — supposedly set up to help blacks to avoid prosecution — is to avoid unfavourable publicity.

### Assistance

Mr J Jonker, senior PRO for the department, said in a letter to the Sunday Times that the main aim of the centres was to assist blacks with problems that might arise while they were looking for work.

Mr Jonker also denied that the meeting of senior officials in Pretoria in February 1974 was held to discuss how to keep black people in detention at the aid centres for longer than 48 hours without having to take them to court.

This procedure would have the effect of reducing the number of prosecutions reflected in statistics.

Mr Jonker wrote: "According to my notes, the meeting took place to decide which procedures should be followed and what the implications would be on aid centre cases... the aid centre actually plays the role of prisoner's friend."

He points out that the minutes of the meeting also say clearly "that a warrant must be issued by a judicial officer if a person is to be detained for a period of longer than 48 hours and such cases must appear before court."

However, the following paragraph of the minutes says it was decided to examine the possibility of amending the legislation with a view to keeping aid centre cases out of the courts as far as possible, and the final paragraph says that "meanwhile" it was decided to "colour" the statistics.

### Discrepancy

Officials also point out that in terms of the official code no person may be kept in detention at an aid centre and that the Sunday Times erred in saying blacks were detained there.

Asked in an interview to explain the decision to "colour" statistics, Mr Potgieter said that he was not at the meeting. He refused to comment further.

Mr Potgieter was unable to explain the discrepancy between official aid centre statistics which claim that only 4 900 cases were referred to court in Pretoria last year, and the more than 12 000 pass cases that were actually heard in the Pretoria Commissioner's Court.

According to the departmental code, aid given by the centres extends only to informing "ignorant" blacks who have come to white areas seeking work without the necessary reference book — or endorsement in it — about the influx control laws.

15/7/80 AKU

Permits: 206

# Man is ~~sent~~ sentenced

A CROSSROADS man was today sentenced to nine months imprisonment suspended for five years when he was found guilty by an Athlone magistrate on 16 counts of fraud relating to temporary residence permits.

Jeremiah Mfanyana Ndaba, 47, pleaded guilty to all counts.

Evidence was that between July 1 and September 30 last year Ndaba stamped the reference books of 16 Crossroads residents for a fee ranging from R10 to R50. He received a total of R345.

Ndaba is married and has four children. He had no previous convictions.



DR Piet Koornhof, Minister of Co-operation and Development, promised this week that changes were on the way to eliminate discrimination in regard to the passbook system.

That was the good news — but earlier in the week, in a BBC TV interview with British commentator David Dimbleby, Dr Koornhof

indicated that the very people who have to implement any changes in South Africa's discriminatory laws — the public service bureaucrats — may act as a brake on such changes.

Expressscope investigated.

It looked at how the current crucial experiments in Bloem-

fontein and Pretoria to do away with the 72-hour provision — a major foundation stone of the pass laws — had progressed. And it examined the way in which many bureaucrats respond to instructions from above that are intended to loosen some of the restrictive laws affecting Blacks.

# 72-hour influx control: officials are tight-lipped on experiment

*Handwritten:* 2/10/68  
Handwritten: *Expressscope*

*Handwritten:* (2/10)

AN IMPORTANT part of the Government's experiment into doing away with the 72-hour influx control has been quietly suspended in Bloemfontein but is still going ahead in Pretoria — shrouded in heavy secrecy.

This is what Expressscope discovered when it investigated the situation in the two cities this week.

The Sunday Express reporter who visited Pretoria to get a

By BARRY LEVY

first hand account of the method and the experiment's progress was sent on a run-around from one Government office to the next.

At each of the numerous offices visited, from that of an Administration-Board inspector to the deputy director's office and a Press officer of the Department of Community Development

opment, the Sunday Express was told

"We have instructions from the relevant Minister, but we have been told not to talk about the experiment until it is finished"

Expressscope encountered a similar reluctance to give information in Bloemfontein, but nevertheless made greater headway in finding out what was going on

The probe found the experiment, implemented some time after it had been raised in Parliament by Dr Piet Koornhof in February this year, was carried out for a month and then abandoned because of unrest in the area

Mr M P D Spies, chief director of the Southern Free State Administration Board in Bloemfontein, told the Sunday Express his department had been told by the Department of

experiment

One official said that checks were made on Blacks living or working illegally in the area, but whereas beforehand "illegal" Blacks would be arrested and endorsed out, they were now being counted and left alone

The result of the experiment, the Sunday Express was told, would depend on a statistical analysis based on those who had been "counted"

As far as the Sunday Express was able to ascertain, no Black, living or working illegally in either Pretoria or Bloemfontein, had been arrested or endorsed out of those areas since February

A spokesman for the Pretoria City Council said that although the council had at first been against the experiment it had changed its view as a re-

● Dr Piet Koornhof he raised the matter in Parliament



## How these 'illegals' escaped being thrown out — legally

IN THE past six weeks 51 people have been needlessly threatened with endorsing-out from Johannesburg by West Rand Administration Board (Wrab) officials — and in every case the reasons for refusing registration were found by the Black Sash to be groundless

Mrs Sheena Duncan of the Black Sash has described the actions of Wrab officials as "totally unnecessary obstruction and bullying"

This example of civil service officials acting contrary to the law and the stated policies of the Government was one of several gathered by an Expressscope probe this week — after Dr Piet Koornhof had inferred in a BBC TV interview that bureaucratic officials were acting as a brake on change in the country

The Minister told how a friend had sent him a model of a tortoise explaining that it represented the bureaucracy which moved very slowly, but was likely to come to a dead stop if prodded to go faster

Then, questioned by interviewer David Dumbleby on whether he was, in fact, saying he couldn't push change through because of the bureaucracy, Dr Koornhof was reported as replying "In fact, you are dealing with the civil service"

And Expressscope found ample signs that what most people read into Dr Koornhof's statements is true

The Black Sash's experience with the 51 Blacks is one instance

Mrs Duncan said that when the documents of the 51 people were examined, they were all found to be in order. All 51 were legally entitled to be in Johannesburg, she said

"In some cases officials had asked irrelevant questions such as 'Why did you only have two years' schooling?'"

"All 51 were eventually registered. If they have any more problems, they will be entitled to go to court about it," said Mrs Duncan

Mrs Duncan could not disclose the names or particulars of the 51 people because the Black Sash regarded them as confidential

"There were also many borderline cases which I have not included in the 51," she continued. "In addition, 57 people were endorsed out during the six weeks and another 27 were told verbally by officials that they must go home although their books were not stamped"

There are numerous other examples of snarl-ups and slow-downs in which officials have either ignored or acted contrary to legal provisions or Government policy — or have not acted at all

● The Sunday Express disclosed last year, during the special Government moratorium on the registration of illegal workers, that in spite of the moratorium police were still arresting Blacks for being in Johannesburg illegally.

A very senior Government man, on being asked to comment at the time, indicated that instructions were being ignored

● The Sunday Express has been assured many times at top level that people are not removed from their homes to another area against their will, but there are numerous indications that this has been done. The Sunday Express found during a visit to a resettlement at Steilloop last year that many women had been moved there against their wishes from Ellisras and Vaalwater

● A Wrab official ignored the new Government labour regulations and refused to allow a Port Elizabeth man, Mr Steven Mplaty, to take up a job in Johannesburg to which he was legally entitled. Wrab explained it was not implementing the new regulations yet "because forms had not been received". Mr Mplaty was allowed to stay after the Black Sash intervened

● A Department of Co-operation and Development work unit, organising a removal in Ciskei, was ordered to leave by Chief Minister Sebe. He said the officials were there in breach of an agreement be-

By JEAN LE MAY  
Political Reporter

● Sheena Duncan ... "obstruction"

tween the South African Government and Ciskei

● Miss Joyce Mokhesi was arrested in Johannesburg and thrown into a police van although, she said, she had handed her reference book to a policeman. She was on the point of being hauled off to jail when she was able to explain the position to another policeman and was released. She is suing the Minister of Police for wrongful arrest

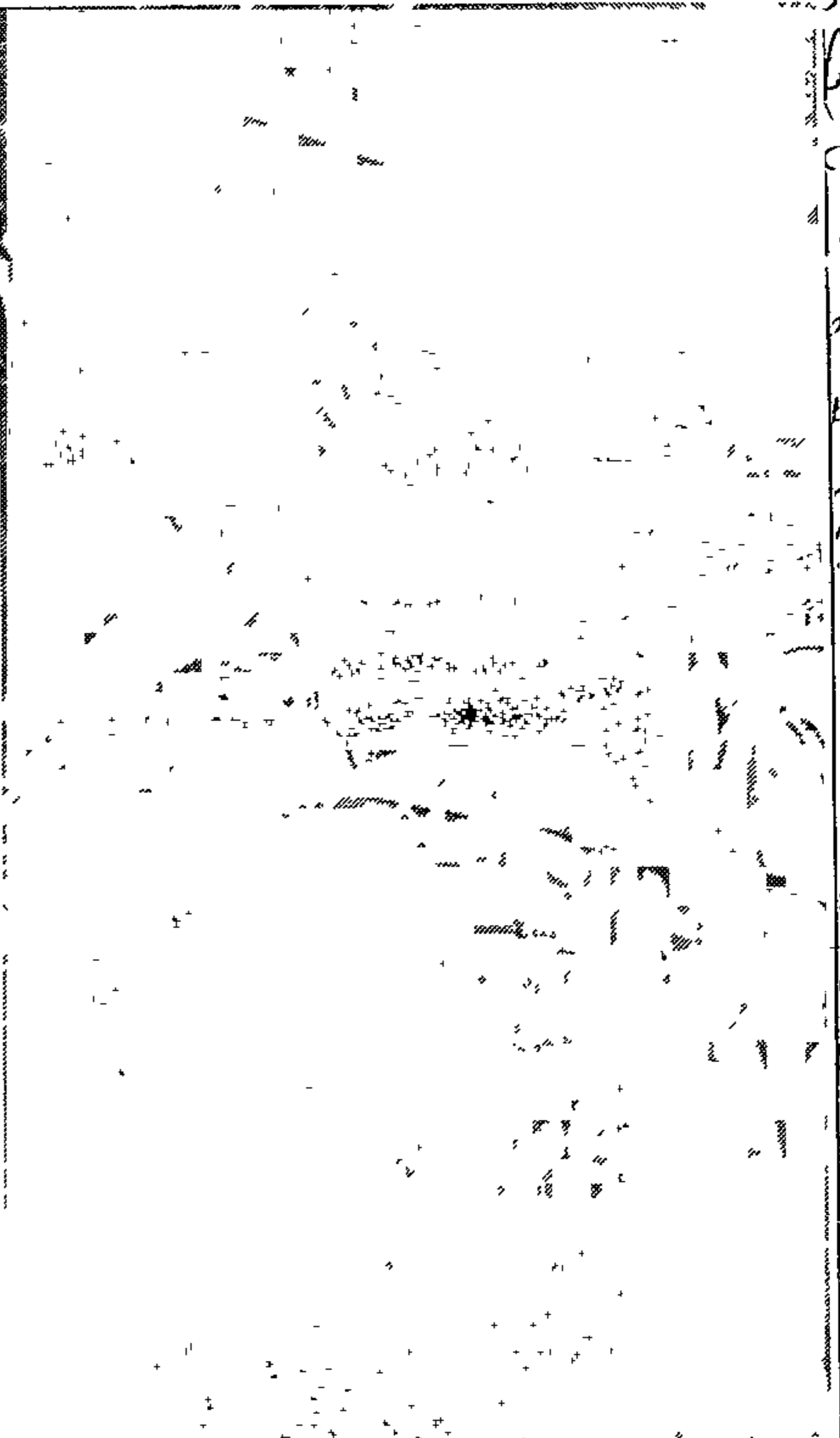
● A Soweto woman with cancer, who had residential rights under Section 10 1(b), was endorsed out to Transkei although she had a medical certificate saying she was unable to work and was entitled to a disability grant. After a newspaper intervened she was allowed to stay

● A Cape Town contract labourer, Mr Vulindlela Kohlaka, was fined R50 or 50 days for "illegally" harbouring his wife who was on a visit from Transkei to get treatment for a child with TB. His Supreme Court appeal succeeded

● A Wrab official who arrested a night cleaner, Mrs Rebecca Seshoka of Soweto, apparently ignored a standing rule by not asking her where her pass was. It was in the head office of her employers

Mrs Seshoka spent some days in jail, although her employer had taken her reference book to John Vorster Square. Mrs Seshoka was acquitted in the Johannesburg Commissioner's Court after the case was delayed when the commissioner asked the defending lawyer, Miss Debbie Dison, to produce her certificate of practice — a most unusual procedure

● Expressscope itself became ensnared in bureaucratic entanglement this week while trying to find out what will happen



● West Rand Administration Board offices — only the Black Sash protected Black workers

to up to 300 000 Natal Blacks who, according to Press reports during the past three weeks, may be removed because the labour tenant system there will be scrapped at the end of August

A widely-reported Drakensberg Administration Board survey said 175 000 squatters in northern Natal alone would need accommodation if they were forced to move, but its chief director, Mr Roy de Wet, told Expressscope this week the survey of Blacks on farms was made to obtain statistics that would enable the board and other authorities to provide sports facilities, schools, health planning and "if necessary to plan for closer settlements"

The board did not initiate removals, said Mr De Wet, who referred Expressscope to the Chief Commissioner for Northern Natal, Mr R N Blumrick

● Mr Blumrick was on leave, but the deputy commissioner, Mr H J Backer, referred Expressscope to a Mr J J Jonker in the Press liaison section of the Department of Co-operation and Development in Pretoria to find out "the true state of affairs".

Mr Jonker was on leave, but a colleague, Mr A van Schaalkwyk, promised to find out and ring back

He phoned later to say that only 44 labour tenants were registered in Natal and their future depended on whether farm owners wanted them to leave, in which case the department would assist in finding a place for them to live

The department had been "puzzled" by Press reports that spoke of the removal of hundreds of thousands of people

Asked if he could help in untangling the confused situation, he said that would need a major survey by the department in which it would be necessary to go from farm and farm

The upshot was that nobody in the Drakensberg Administration Board, or in the Department of Co-operation and Development, was able to tell Expressscope anything about the future of the "squatters" — many of whom are believed to be unregistered labour tenants

Newspaper reports indicate that evictions and removals are going on daily — and this was confirmed by spokesmen for the Association for Rural Advancement and the SA Institute of Race Relations

until it is not  
continued to  
production.  
that dynam  
for protection  
likely to be  
of private in  
percent of a  
possible law  
their money  
between 50%



20/7/80

Sunday  
Express

206

Co-operation and Development  
to lift the 72-hour influx control  
provision "in toto" during the  
course of the experiment.

Mr Spies added "In practice,  
this involves certain prob-  
lems" He would not elaborate,  
except to say "I must be quite  
honest, if I give you details of  
the problems which lifting the  
72-hour provision entails — it  
could be misused"

Mr Spies said that  
Blacks, who were found to  
be living or working ille-  
gally in Bloemfontein,  
were neither being arrest-  
ed nor endorsed out, but  
that employers were still  
being prosecuted if they  
were found employing un-  
registered Black workers.

He said the part of the ex-  
periment which involved the  
"counting" of illegal Blacks in  
Bloemfontein had to be sus-  
pended because of the current  
unrest, and remained suspend-  
ed for the time being

In Pretoria, only Govern-  
ment officials who were not  
prepared to have their names  
mentioned and who told us they  
had been instructed not to com-  
ment on the current results  
were prepared to give any in-  
formation about the

result of clarifications made  
by Mr Koornhof after his  
initial announcement in  
Parliament.

However, in Bloemfontein,  
acting Town Clerk Mr A Grobb-  
laar told the Sunday Express  
"I know absolutely nothing  
about the experiment"

Mr Grobblaar has only been  
acting Town Clerk for the past  
three weeks, but he said "If I  
am not aware of the experi-  
ment then the council won't be  
aware of it — not even the  
mayor or the chairman of the  
management committee"

In the past two weeks Sunday  
Express inquiries to the De-  
partment of Community Devel-  
opment asking for clarification  
of the nature and method of  
conducting the experiment  
have also been met with a re-  
quest to wait until the experi-  
ment is completed

When approached by the Sun-  
day Express this week the Op-  
position's spokeswoman on civil  
liberties, Mrs Helen Suzman,  
lambasted the secrecy around  
the experiment

"The whole thing is shrouded  
in a sinister aura," she said  
She called on the Department  
to "open up" and put the pro-  
gress of the experiment "in full  
view of the public"

...the two lives (Job)

**NO MORE NIGHTS ON COLD CONCRETE  
FOR THE MAN WHO LOST HIS PASS**

# Fana Makhanya



● FLASHBACK When life wasn't so kind to Fana and his friends

**Report: EDWINA COLLIER Pictures: MIKE MZILENI**

**UNTIL** this week Fana Makhanya was homeless, jobless and forced to spend his nights huddled under sacks and carpet underfelt on the floor of the Westgate bus terminus

Now he's got a new chance in life through the kindness of a Sunday Express reader who saw an article on his plight

Mr Ernest Page, a sales engineering consultant from Linbro Park Johannesburg offered him a job as a gardener at his home

He will be earning R35 to R40 a month and food and accommodation will be provided

This is the first chance of legal employment that Mr Makhanya 51 has had since he lost his pass 10 years ago. No employer was prepared to take an "illegal" and he survived by selling bottles and cardboard boxes

He could not afford to pay the back taxes demanded by the administration boards — about R20 — before he could be issued with a new pass and he refused to beg

I am a man, I am too proud

This week he said he now had what he wanted. The most important thing is to have food and a place to live

A Sunday Express team first came across Mr Makhanya in the Westgate bus shelter where for the past three years he has slept on the concrete floor. He usually had a meagre meal of bread and milk just before bedding down for the night as soon as the commuters dispersed

Mr Page has agreed to pay the back-taxes of about R20 on his behalf — which Mr Makhanya will pay back over a period — and to put his papers in order

Mr Page an Englishman who has been in this country for 23 years said he would personally teach Mr Makhanya gardening on his 2.5ha plot in Linbro Park. Mr Makhanya cleaned toilets for a living before he lost his pass

'I feel the arrangement will benefit both of us. By taking Mr Makhanya off the streets and teaching him a craft I will hopefully, earn his loyalty

"Living out here you need to employ people you can trust"

● A new life starts for Fana Makhanya with his new boss Mr Ernest

Page



Erab <sup>206</sup>

'refused

DM 25/7/80

contract

transfer

cases'

#### Labour Reporter

THE East Rand Administration Board is refusing to allow many migrant workers who lose their jobs to register in other work by transferring their contract to a new employer, it was alleged yesterday

It was also claimed that Erab was refusing to allow contract workers who had been involved in work stoppages to transfer their contracts, even if they had not been convicted of striking

A senior Erab official refused to discuss these charges, referring all queries to Erab's chairman, Mr Schalk van der Merwe, who was not available

The West Rand Administration Board's director of labour, Mr Armand Steenhuizen, said there had been no change in Erab policy on contract workers

The authorities have in the past allowed contract workers who lose their jobs before their contracts have expired to transfer these contracts to a new employer

Late last year, the Department of Co-operation and Development announced that contract workers who came to Johannesburg from "white" rural areas would be able to transfer their contracts, but workers from the homelands would not

According to the Black Sash, administration boards are allowing workers to transfer contracts only if their employer agrees. These workers must be transferred to the same category of job in the same administration board area

It is understood that workers involved in a recent strike on the East Rand were refused the right to transfer to new jobs. Their lawyer was told that it was now policy to refuse to register workers involved in strikes

The workers have not been convicted of striking

A spokesman for the Industrial Aid Society said that it was becoming increasingly difficult for workers who had lost their jobs in the Erab's area to transfer their contracts and thus gain new work

"There seems to be a general clamp-down on the transfer of contracts," she said "In the case of work stoppages, the authorities simply believe the employer if he says there was a strike"

The Black Sash reported yes-

work

"There seems to be a general clamp-down on the transfer of contracts," she said "In the case of work stoppages, the authorities simply believe the employer if he says there was a strike"

The Black Sash reported yesterday that a heavy duty driver in the area who is a contract worker had been refused a job which had been offered to him after he had lost his job at the Putco bus company

His prospective employer, who asked that his name not be revealed, said the Erab had told him that the man was in the area illegally

The employer said that his company had now engaged a non-black worker "because we can't face going through all that red tape" He added "It is far easier to take over contracts if the West Rand Board is involved"

# Wrab blames 'sharks' for demanding cash

By STEVEN FRIEDMAN  
Labour Reporter

THE West Rand Administration Board yesterday warned black workers against people outside Wrab offices who ask for money in exchange for letting workers into the offices or helping them to register for work.

The Board's chief director, Mr C J Bezuidenhout, said "sharks" had been offering workers help with registration applications in exchange for money.

He stressed that workers were not obliged to pay to enter the offices or obtain help in registering.

Mr Bezuidenhout was announcing the result of an investigation into charges that a worker had been turned away from a Wrab office after she had arrived there to register.

The worker, Miss Merica Nkhalintshali, claimed she had been told to pay R2 before entering the building.

Her allegations were reported to the Rand Daily Mail by her employer, Mrs A E Sangster.

On Thursday, another employer, Mrs Betty Nicol, reported a similar case in which a worker alleged she had been asked for R5 to enter Wrab's

New Canada office.

Mr Bezuidenhout said Wrab's investigation into Miss Nkhalintshali's case had established that the man who asked her for money was not an employee of the Board.

"There are obviously sharks hanging around outside our office who are taking advantage of people's ignorance. We have instructed our police to keep a lookout for them," he said.

He added, however, that this would be difficult "because as soon as they know we are watching, they will stop their activities".

Mr Bezuidenhout released the text of a statement by Miss Nkhalintshali in which she said she had arrived at Wrab's Albert Street office to register and had been approached by a man who asked her for R2 "to make things easier" for her and to ensure that her documents were "fixed up".

Workers have also complained that junior clerks at Wrab offices obstruct workers when they arrive to register and these complaints have been supported by the Black Sash, which is compiling a dossier on these incidents.

Wrab's director of labour, Mr Armand Steenhuisen, has denied these allegations.

343  
353  
206

WDM 26/7/80



# THE HULLBROW

## — mass produced humiliation

HOW does a black person feel to be arrested for a pass law offence only to find out later that he or she is not guilty because of a technical error?

And what happens to a black person who is visiting the city and suddenly lands up in a police cell for something like 24 hours for failing to produce a pass book when demanded to do so by a policeman?

**SUNDAY POST**  
Reporter

Gugu Mbongwa is 23. She comes from Benoni but has been living in Soweto while a student at the Teachers' Training College. Gugu wants to teach primary school children. She would probably be a good teacher because she has the kindness and vitality kids adore.

Gugu is also deeply religious. Because of her commitment to her church, she had to visit the church's treasurer one lunch-time to attend to a church matter.

But the treasurer lives in Hillbrow, and area in which Gugu is not allowed to be without permission for longer than 72 hours or three days. This is a South African law. And it applies only to black people.

This didn't bother Gugu because she knew her business would take a few hours at the most. She arrived at the Hillbrow flat at 1 pm and was chatting to the watchman guarding the building when a policeman approached her.

"Oh no," Gugu thought. "What now?"

to come to court. And it was an important day too because we were having practical exams. Now I've missed those too," she lamented.

Gugu was one of about 24 women who appeared in court that day. There is a court for women one for men and other "categories" of people.

Quite noticeable was the lack of State witnesses. None of the policemen who made any of the arrests appeared in court.

"I suppose the policemen are too busy going round arresting more people," one accused noted cynically.

From 10.30 am to noon the magistrate heard about 11 cases every 20 minutes.

"Where do you come from?" he demanded to know. "Ermelo, Volksrust, Natal, Amasfort, Queenstown, Herschel . . ."

"Do you have permission to be in Johannesburg?" he said through



an interpreter. "No, no, no, no, no NO."

"Do you have anything to say in mitigation?" "I beg forgiveness, Your Worship."

"Forgiveness for what?" "For being born a black South African, Your Worship."

The few who were not overwhelmed by the formality of the courtroom and the unfamiliar feelings they were experiencing, were noticeable for their lack of submission.

"Although I have no permission to be in Johannesburg, Your Worship, I came for medical treatment," said one woman hoarsely. "I am suffering from chest trouble and have pains in my stomach. I promise I will go back to Ladybrand when I have been attended to." Verdict: discharged.

## Finding a way through the maze of influx control

THE Black Sash and the South African Council of Churches will next month set up an office in Johannesburg to help blacks trapped in the maze of pass laws.

"A number of lawyers have volunteered their services," said Mrs Sheena Duncan, vice-president of the Black Sash. "They feel it is important that justice is seen to be done."

One of the main reasons for opening the office was last year's figures which showed an average of 143 blacks arrested daily for pass offences. The office will be on the second floor of Fillan House at the corner of Becket and Pritchard Streets in Johannesburg. It is just behind the offices of the Commissioner of the Department of Co-operation and Development.

An office worker will be able to seek help for "offenders" after taking particulars. He or she will call on one of the lawyers who will be on the roster for the day. The service is being offered free of charge.

But it often happens that people arrested under the pass laws have no chance to get help from outside. If this were to happen to you, would you know what your rights are?

Firstly, you have every right to know why you are being arrested. The first thing you are allowed to ask the policeman is why he is arresting you. He must tell you.

## Lawyer

If bail is granted and you go free, you then have time to get a lawyer to defend you in court. It is best to have a lawyer because he or she knows how the court works. The bail money is refunded to you at the end of the case.

If you plead guilty you may be fined about R15. If you cannot pay you will have to go to jail.

If you plead not guilty, and you can't pay bail, you will have to stay in jail longer, sometimes up to two weeks, until your case comes up in court again. Again, it is better to have a lawyer defend you.

There is one more right you have when you appear in court for the first time. You can ask the magistrate if he would hear your case later that day so that you can have time to get a lawyer.

When you appear in court you are also entitled to complain to the magistrate if you have not been properly treated in prison. You can tell him if you were beaten or even if you did not get the breakfast which you are supposed to be given.

**Evidence**  
If you have been arrested under Section 10, you have to prove that you have not been in the area for more than 72 hours. You can give your evidence to the magistrate.

If you are arrested under Section 15, you are allowed a reasonable opportunity to produce your pass book. If you were not given a reasonable opportunity, which quite often happens, you can tell this to the magistrate. In fact, this is your best defence.

## New office for advice

The next thing you are allowed to do is get a lawyer. It is best to get a lawyer as soon as possible because he or she will handle the court procedure for you and look after you. The lawyer will be able to ask for bail for you and will speak to the magistrate for you in the court room.

There are two main laws under which people are arrested for pass offences. They are:

● Section 10 of the Black (Urban Areas) Consolidation Act 25 of 1945. People are arrested under this law for being in a prescribed area without permission for more than 72 hours, which is three days.

● Section 15 of the Black (Abolition of Passes and Coordination of Documents) Act 67 of 1952. People are arrested under this law for failing to produce a reference book on demand.

When you appear in court

ed to go free. But you have to appear in court again so that the magistrate can hear your case. You pay the bail as a sort of promise that you will turn up for your court case.

## Lawyer

If bail is granted and you go free, you then have time to get a lawyer to defend you in court. It is best to have a lawyer because he or she knows how the court works. The bail money is refunded to you at the end of the case.

If you plead guilty you may be fined about R15. If you cannot pay you will have to go to jail.

If you plead not guilty, and you can't pay bail, you will have to stay in jail longer, sometimes up to two weeks, until your case comes up in court again. Again, it is better to have a lawyer defend you.

There is one more right you have when you appear in court for the first time. You can ask the magistrate if he would hear your case later that day so that you can have time to get a lawyer.

When you appear in court you are also entitled to complain to the magistrate if you have not been properly treated in prison. You can tell him if you were beaten or even if you did not get the breakfast which you are supposed to be given.

**Evidence**  
If you have been arrested under Section 10, you have to prove that you have not been in the area for more than 72 hours. You can give your evidence to the magistrate.

If you are arrested under Section 15, you are allowed a reasonable opportunity to produce your pass book. If you were not given a reasonable opportunity, which quite often happens, you can tell this to the magistrate. In fact, this is your best defence.



(206) (1165) (1164) (1166) RDM 28/7/80. Corrigion B

# Industrial court to hear first test case

By STEVEN FRIEDMAN  
Labour Reporter

THE industrial court set up under the Government's new labour dispensation is to hear its first major test case today in Johannesburg

The action has been brought by a black migrant worker who claims that his employer victimised him by not renewing his work contract

One issue at stake is whether an employer's decision not to renew the contract of a migrant worker when it expires can be regarded as victimisation

If the court does pronounce on the issue, labour observers believe the case will be an important test of migrant workers' rights

The industrial court was established after a recommen-

dation by the Wiehahn Commission, which argued that there was a need for a special court to hear labour cases. Its president is the commission's chairman, Professor Nic Wiehahn

The court is regarded as an important part of Prof Wiehahn's planned labour dispensation, because it aims to provide workers with a cheap and speedy forum for the processing of their grievances

One of its chief functions is to hear claims of "unfair labour practices". It does not have to apply legal criteria only, but can also take into account the principle of "equity". Lawyers say this gives the court wider discretion than ordinary courts enjoy

It can, however, hear only civil actions

The case which the court will hear today has been brought by

Mr Steven Maponya against his former employer, an East Rand company, Precision Tools

Mr Maponya, an active member of the Metal and Allied Workers Union, is a migrant worker. Earlier this year his contract ran out and the company did not renew it

Mr Maponya claims that the company did not renew the contract because it wanted to end his trade union activities. He says that Precision Tools has therefore victimised him by not re-employing him

The company has denied this, and is contesting the action

Mr Maponya is the first black worker to bring a test case to the industrial court and the case will be watched carefully by labour observers

In order to bring his case to

the court, Mr Maponya first had to take it to the industrial council for the steel, engineering and metallurgical industries

A regional committee of the council heard his case and reported that it could not reach a finding. The case was then referred to the court

At the same time, Mr Maponya's lawyers applied to the Minister of Manpower Utilisation for an order instructing the company to reinstate Mr Maponya until his case had been decided

The Minister refused to do this — an action which was criticised by the MAWU. It said Mr Maponya had been unemployed for several months and also risked arrest under the pass laws, but was unable to obtain protection from the authorities.

Date 25-10-78 .. ..

Degree/Diploma/Certificate for which you are registered (e.g. B.A., B.Sc.). B. Comm

Subject ECONOMICS II  
(to be copied from the heading on the Examination Paper)

Paper No 1  
(to be copied from the heading on the Examination Paper)

Examiners' Initials		

**NOTE CAREFULLY**

- 1 Enter at the top of each page and in column (1) of the block on this cover the number of the question you are answering
- 2 Blue or black ink must be used for written answers. The use of a ball point pen is acceptable. Red or green ink may be used only for underlining, emphasis or for diagrams, for which pencil may also be used
- 3 Names must be printed on each separate sheet (e.g. graph paper) where sheets additional to examination book(s) are used
- 4 Do not write in the left hand margin

**WARNING**

- 1 No books, notes, pieces of paper or other material may be brought into the examination room unless candidates are so instructed
- 2 Candidates are not to communicate with other candidates or with any person except the invigilator
- 3 No part of an answer book is to be torn out
- 4 All answer books must be handed to the commissioner or to an invigilator before leaving the examination

**Any dishonesty will render the candidate liable to disqualification and to possible exclusion from the University**



# Labour <sup>11/11</sup>

DM. 29/7/80

## practices

## test case <sup>11/11</sup> <sup>206</sup>

# begins

By STEVEN FRIEDMAN  
Labour Reporter

THE industrial court yesterday began hearing its first major test case — brought by a migrant worker against his former employers — after legal representatives of the employers argued that the case should not come before the court.

The court's president, Mr Benjamin Parsons, found, however, that it could hear the action.

In the case, which is being heard in Johannesburg, Mr Stephen Maponya alleges that his former employers, Precision Tools, victimised him by refusing to renew his migrant service contract.

The company denies this and is contesting the action.

The industrial court was set up after a recommendation by the Wiehahn Commission, and one of its functions is to hear cases in which workers allege they are victims of "unfair labour practices".

Mr Maponya's action is the first case involving an alleged "unfair labour practice" which has come before the court. It is being watched with interest by labour observers who regard it as the new court's first major test case.

The case was first considered by the industrial council for the iron, steel and metallurgical industries. It reported that it could not determine whether a dispute existed between Mr Maponya and the company.

However, it was revealed for the first time yesterday that the council's executive committee had also found unanimously that the company was within its rights when it did not renew Mr Maponya's contract.

Industrial legislation stipulates that a dispute must be considered by an industrial council before it comes before the court.

If the industrial council is unable to resolve the dispute, it

can be referred to the court.

In a day taken up with legal argument, counsel for Precision Tools, Mr A Trollip, argued that the matter had already been resolved by the council when it found unanimously that the company was within its rights and that a dispute did not exist.

There was thus no reason for the court to hear it.

The court had also queried whether the action should be heard because the case had been discussed by a sub-committee of the industrial council and then by its executive committee, but not by the council as a whole.

Mr M Brasseley, counsel for Mr Maponya and the Metal and Allied Workers Union, who have brought the action jointly, argued that an industrial council was not a judicial body and therefore did not have the right to find on the merits of a dispute.

If it had this right, a council could use it to "gang up" on applicants who were not members and prevent them from being heard in court.

It could only try to settle disputes and refer them to the court if it was unable to do so. It had been unable to settle this dispute and therefore the court should decide on it.

He also argued that an industrial council could delegate its functions to a sub-committee and the fact that the executive committee had considered the case meant that the preliminary procedures had been observed.

The court accepted this argument and found that the matter could be heard.

Mr B J Parsons, vice-president of the Industrial Court, is presiding. Mr M Brasseley, instructed by Bell, Dewar and Hall, is acting for Mr Maponya and the MAWU. Mr A Trollip, instructed by Damant, Bostock and Company, is acting for Precision Tools.

# Crucial labour issues before industrial court

30/7/50  
444  
206

By STEVEN FRIEDMAN  
Labour Reporter

THE right of trade unions to bring "unfair labour practice" cases to the industrial court was challenged in argument before the court yesterday.

Sitting in Johannesburg to hear its first major test case, the court also heard argument yesterday on another vital labour issue — the right of contract workers to expect that their contract be renewed. The court's ruling on these issues is expected to have a crucial bearing on labour law.

Mr Steven Maponya, a migrant worker, and the Metal and Allied Workers' Union (Mawu) have brought an action before the court alleging that Mr Maponya's former employer, Precision Tools was guilty of an "unfair labour practice" when it refused to renew his contract.

They allege Mr Maponya's contract was not renewed because the company wanted to end his union activities at its plant.

In argument yesterday, Mr A Trollip, counsel for Precision Tools, argued that the Mawu had no standing to bring the action together with Mr Maponya.

He cited a Supreme Court case, the "Bosman case", in which it was held that a union had no legal interest in whether one of its members had been victimised and thus had no legal standing in such cases.

Mr M Brassey for the Mawu and Mr Maponya argued that this judgment did not mean a union had no standing in the industrial court — a "quasi-judicial tribunal".

He said the Industrial Conciliation Act had "clearly con-

templated" that trade unions could be parties to "unfair labour practices" cases before the industrial court.

If unions were not allowed to bring such cases to the court workers would have to do so individually "at great difficulty and expense".

Mr Brassey asked the court to postulate what would occur if 3 000 workers at a particular company demanded to be heard individually by the court.

The rights of contract workers also featured in argument yesterday.

Mr Trollip argued against a memorandum submitted by the Mawu and Mr Maponya partly rejecting its suggestion that it was possible for a migrant labour contract to contain an "implied term" that this contract would be renewed.

This would mean that migrant workers would, in certain

cases be able to argue that it was understood between them and their employer that their contracts would be renewed and that the employer's failure to do this could constitute victimisation.

Mr Trollip argued that an employer could not renew a migrant worker's contract without the permission of the authorities in this case the West Rand Administration Board.

If the court ordered the company to reinstate Mr Maponya, it would be asking it to do something which was illegal without the permission of Wrab.

He also argued that the company had a legal right not to renew a contract.

Mr Brassey argued against this suggesting that the "call in card" which an employer may give a migrant worker

automatically entitled the worker to be registered in a new contract.

By granting Mr Maponya such a card the company could ensure his re-employment and Mr Maponya alleged that it was an understanding between him and the company that this would be done when the contract ran out.

Mr Brassey said He also argued that there could be an understanding between workers and an employer or a custom at a company that a work contract would be renewed even if there was no legal obligation to do so.

The case is being heard by the court's vice-president Mr Benjamin Parsons assisted by two assessors—Pr. J. P. A. K. le Roux of Inisa (nominated by Mr Maponya and the Mawu) and Mr D. S. Harris of Scitisa (nominated by Precision Tools).





6/8/60 C-1  
206  
**Fourteen fined for  
pass offences at Langa**

**Staff Reporter**

FOURTEEN people were each fined, between R30 and R60 in two hours in the Langa Commissioner's court yesterday for being in the Peninsula illegally.

Ten of them were each fined R10 for not carrying identity documents. Three people were discharged and one case was remanded.

One woman, Nomathemba Mbulawa, with a five-month-old baby was told by the commissioner, Mr L van Wyk, to look for another boyfriend to pay her fine.

She told the court that she came to the Cape Peninsula after her boyfriend had deserted her. She left the homelands because she was struggling to make a living. According to the charge

sheet Mbulawa failed to appear in court at an earlier date. She told the court she had to take her sick baby to hospital on that date.

The magistrate fined her R60 for being in the area illegally, R10 for not having an identification book and R10 for contempt of court.

Other sentences included

- R70 (or 70 days) for being in the area illegally and for not having their identification documents with them: L Dyantyi, M Majubela, E Damane and E Mbetha

- R75 (or 75 days) for being in the area illegally and not having identification: S Sobantu, V Ngulo and P Jabela

- R60 (or 60 days) for being in the area illegally: V Tiya, N Siko and N Ntamo

Mr D Mgomani prosecuted



# Old man Kehla is allowed his place in the sun

207  
MM  
12/8/80

## Mercury Reporter

KEHLA, the 91-year-old Umkomaas man who feared for his future in South Africa, has reason to smile again

Mr Shadrack Mtembe, known as Kehla, was told he was living in South Africa illegally after he had reported the loss of his passbook to the police

He was issued with a temporary permit which would have expired tomorrow and he was concerned he might be told to return

to Mozambique, where he was born

But yesterday the matter was cleared up when the Port Natal Administration Board registered Kehla and told him he would be allowed to stay and work in Umkomaas.

Mrs Cheryl Morrison, daughter of Kehla's employer, said yesterday that Kehla was overjoyed when he heard the news

'He just keeps on smiling and saying "Thank you",' she said

# Key labour case in court today

## Labour Reporter

A CASE which will test a vital point of law affecting all contract workers will be heard in the Randburg Magistrate's Court today

The case has important implications for the rights of all migrant workers working on contracts

At issue is whether an employer can unilaterally fire a contract worker and thus end his contract if the worker has not been guilty of a breach of discipline or any of the other offences which ordinarily allow an employer to dismiss him

Up to now, it has been the practice of many employers to unilaterally dismiss contract

workers and simply pay them the notice and leave pay due to them under ordinary industrial law

However, in this case, the court will be asked to order the employer to pay the worker the full pay he would have earned if he had completed his contract with the company

It will be asked to rule on whether an employer has the right to end a migrant's contract without the worker's permission if the worker has not been guilty of any of the breaches of discipline which usually entitle an employer to fire him

The case has been brought by Mr Richard Mojapelo, a shop

steward of the Metal and Allied Workers Union, against Toyota Marketing, a branch of the giant Toyota motor company

Mr Mojapelo alleges that he is a contract worker and that the company dismissed him without good reason and without consulting him

He is asking the court to order the company to pay him the wages he would have earned if he had completed the contract he alleges he had with the company

The company denies his charges and is contesting the case

Legal sources said yesterday that the case was the first to test this aspect of contract

workers' rights. If Mr Mojapelo won his case, the labour practices of all employers who fired migrants without compensating them would be affected, they said

The industrial court is still hearing the case of Mr Steven Maponya, which could also have far-reaching effects for migrant workers

Mr Mojapelo's case is the second affecting the rights of migrants to come before the courts recently

The industrial court is still hearing a case brought by Mr Steven Maponya, another MAWU member, against a Witwatersrand company, Precision Tools



# Contract workers: argument postponed

LDH 13/8/80

By STEVEN FRIEDMAN  
Labour Reporter

A LEGAL argument which is expected to test a vital point of law affecting black contract workers was postponed indefinitely in the Randburg Magistrate's Court yesterday.

However, it is understood that it is likely to be resumed in early October.

A contract worker, Mr Richard Mojapelo, has brought an action against Toyota Marketing, a branch of the giant Toyota motor company.

The hearing was postponed yesterday because counsel for Toyota Marketing told the court that he and his clients had not had enough time to study documents served on the company by Mr Mojapelo's lawyers.

Mr Mojapelo, a shop steward of the Metal and Allied Workers Union, claims that the company dismissed him by unilaterally ending his migrant labour contract without "good reason".

He is asking the court to order the company to pay him the wages he would have received if he had completed his service contract.

Toyota Marketing has denied his claims.

Mr Mojapelo's lawyers argue that an employer cannot unilaterally end a migrant worker's service contract unless the worker has committed a breach of discipline, or any other act which ordinarily would entitle an employer to dismiss a worker.

If the court upholds this argument, the decision could

have significant implications for all contract workers and their employers.

Until now, it has been the practice of most employers who dismiss contract workers to pay them only the normal notice and leave pay due to them under industrial law.

However, Mr Mojapelo's counsel argues that an employer unilaterally terminating a contract should compensate the worker for the balance of the contract period unless he has "good reason" to dismiss the worker.

This is the first time the issue has been tested in the courts, according to legal sources.

Mr M Brassey (instructed by Bell Dewar and Hall) is appearing for Mr Mojapelo. Mr P Hattingh (instructed by Hofmeyer Van der Merwe and Brink) is appearing for Toyota Marketing.

Pass laws<sup>15/8/80</sup>  
promises<sup>TIME</sup>  
'not kept'<sup>206</sup>

**Political Reporter**

Hundreds of black people are refused registration or are endorsed out of Johannesburg every month, even though they have jobs and accommodation

This was revealed today by Mrs Sheena Duncan, director of the Black Sash advice office in Johannesburg, who warned of rising black anger over influx control

"The pass laws have never been more rigidly enforced — and they have never been more efficient"

Freedom of movement from one town to another was promised to qualified people with jobs and accommodation. Dr Piet Koornhof, Minister of Co-operation and Development, had said that this was being put into effect

But, the West Rand Board did not seem to know this, said Mrs Duncan

"There is no escaping the suspicion that some officials enjoy demonstrating that 'I am the boss' and that they enjoy exercising power over those they control"



EGOLI, the city of gold, is slamming its doors against an increasing number of migrant workers

It's part of the Government's aim to intensify control over migrant workers. The pass laws are being stringently enforced, with officials sticking to the rules and regulations as never before.

Migrants are refused registration for jobs not given to them by the labour bureau. Having a one-year contract transferred from one employer to another, after being dismissed from the first, is often impossible. Many are being refused the right to appeal against being "endorsed out" of an area. Recruitment has decreased, as well as the number of recruiting points. The lot of the migrant worker is getting worse.

It is no longer as easy for a migrant worker to break through the maze of influx control regulations and find a job in Johannesburg. In the past, a migrant found a job more easily on the Rand, because, as the hub of South Africa's economy, there were more jobs to be had in the city of gold.

But now the administration boards on the Rand are enforcing the pass laws far more strictly than ever before. This is in line with a general tightening up on influx control throughout South Africa.

It comes just a year after Dr Piet "Promises" Koornhof, Minister of Co-operation and Development, promised an American audience that the *dompas* would be "ousted completely out of my country, and I have told my officials to work on it."

The former Broederbond secretary added "They have been doing it and the *dompas* will be ousted in my country sooner than later — I am working on a month time span and not a year time span."

Dr Koornhof has frequently promised to take the sting out of influx control. Who would say he's succeeded in doing so? For black people with Section 10 urban residents' rights, moving

Influx control is stricter than ever. To stop workers coming from rural areas, the Government is...

# Slamming the doors

around the country is easier now than before. But, for the rest, the controls are worse.

Six months ago, Johannesburg officials put a stop to migrants coming to the city to find jobs for themselves. And reports are now reaching SUNDAY POST that the East Rand Administration Board (Erab) is refusing to transfer migrant workers' one-year contracts from one employer to another, although the workers have lost their jobs through no fault of their own before the year is up.

Added to this, is the more heavy-handed treatment being meted out to black people by administration board officials. There have recently been numerous Press reports of this. One example is the refusal by a junior official in the Commis-

sioners office on the Rand to give a black woman the right to appeal against being "endorsed out" of the area.

The Black Sash Advice Office reports that this is also happening to Johannesburg municipal workers who went on strike recently and were dismissed. Says the Black Sash's Mrs Sheena Duncan "Many workers had their books stamped with the 72-hour get-out order in the Selby compound

## Clampdown on migrants

Many, who have gone to appeal have met with obstructive tactics."

The clampdown on migrants being allowed to come to the cities to find their own jobs started being enforced in Cape Town and Pietermaritzburg three years ago. The enforcement of the coloured preference in Cape Town has led to a drop in the number of migrant workers from 33 000 in 1976 to 18 000 in 1979.

Strictly speaking, in terms of the 1988 regulations for labour bureaux, no worker could leave his tribal labour bureau area to look for a job. But, in the past, officials often ignored this regulation. And they are still doing so with domestic workers. But, for other categories of migrant workers, officials have ended their honeymoon with survival. Mrs Duncan says at least 20 percent of the people coming to their offices are black people who have found jobs, but can't get registered. She says, "This is a great number. And the people are very angry."

This step means that migrant workers cannot hope to be requisitioned for one of the better jobs available to black workers. Officials are now reserving these for "local" labour, and dishing out the nasty jobs, refused by "qualified" blacks, to contract labour. These jobs include foundry work, garbage collection, mining and construction.

On the transfer of migrant workers' contracts from one employer to another, a spokesman for the Industrial Aid Society, said "We've had a flood of people coming into the society with this problem."



Hoping for registration — queue at the WRAB offices.

Most of the complaints are from workers on the East Rand.

Migrant workers' contracts are usually transferred from one employer to another if a number of conditions are fulfilled. These are: if the new job is in the same job category as the old one; if there is a job waiting for the migrant worker, if the previous employer says he is prepared to have the contract transferred; if the worker has a housing permit and if the worker was dismissed through no fault of his own.

"But," says the IAS spokesman, "for the past month, Erab has no longer been asking for letters from previous employers or the reasons for a migrant worker's dismissal before the contract is completed." She says an Erab official said the board was no longer doing this because of a surplus of labour on the East Rand. When quizzed on the

Board's refusal to transfer any contracts whatsoever, Erab chairman Mr S J van der Merwe said: "This is not the information which I have. I will have to investigate this."

## A job and a home

Mr van der Merwe added "The Riekert Commission recommended that workers must have a job and a place to live in before they can stay in a white area. If a migrant worker leaves his employment and he hasn't got a place to stay, then he must go back (to a homeland)."

But Mrs Duncan says, "I believe the public has misunderstood Riekert. I think the requirements of a job and approved accommodation only apply to qualified people." If a migrant worker fulfils

these requirements, but there is local labour available, he will not be allowed to take the job.

The first proposal implemented was a R500 fine on employers found employing "illegals" and this has had a noticeable effect. Says Mrs Duncan "Employers are not prepared to take the risk of a R500 fine. No doubt, the fine is making the system more efficient. It ensures that all labour is registered. But I don't believe that those refused registration are returning to the homelands. However, without jobs, they are more visible than before."

Recently, in line with the Riekert Commission's recommendations, the Government relaxed some of its control on black people with Section 10 rights. In terms of the new regulations, "qualified" black people do not need to get a work-seeker's permit every time they terminate or start a new job. The employer must now notify his local labour bureau when a worker leaves his job, or when the employer takes on new workers.

And, by way of special concession, black people with Section 10 rights can move around the country as long as they have a job and approved accommodation in the town they want to move to.

These are the so-called "positive" aspects of the Riekert Commission, which the Government is quick to publicise.

## 'Locals' preferred

But there are other aspects. The administration boards are enforcing Riekert's recommendation that migrants be allowed into the cities if they have a job and approved accommodation, but only provided there is no "local" labour.

Observers see all this as an attempt to drive a wedge between black people. On the one hand, say observers, the Government wants to co-opt the urban blacks, entrenching the divisions between black people with Section 10 rights and those without them. More than ever before, urban blacks will be the "haves" and the rural people the "have-nots".

They reckon that the Government hopes to promote political stability, by co-opting "qualified" black people.

These economic divisions provide the material basis for the maintenance of political divisions between strata of the black workforce, they suggest.

Further, stringent controls over migrant workers stand in the way of worker organisation. In the past two months, a large number of striking workers have been arrested under the pass laws. Once having struck, migrants find it extremely difficult to find another job. And some who have been on strike in the past are steering clear of trade unions, because of these difficulties.

The aim of the Riekert Commission was to find a more efficient pass law system.

Is this what Canadian sociologist Herbert Adam called "modernising racial domination"? — SUNDAY POST Labour Reporter



The Appeal Court yesterday upheld the appeal of Mr Veli Willie Komani against the dismissal by the Cape Supreme Court of his claim that his wife was qualified and entitled to remain in the prescribed area of the Cape Peninsula.

The appeal was brought by Mr Komani, of Gugulethu, in his capacity as husband and guardian of Mrs Nonceba Mercy Meriba Komani (born Mjekula).

When Mr Justice Schock dismissed his claim against the Bantu Affairs Administration Board, Peninsula area, on November 8, 1978, he found that as Mrs Komani did not have the legal right to live in the black residential area where her husband was entitled to live and, in fact, resid-

# Section 10 appeal Wife can remain

ed, she could not be said to be "ordinarily resident" in the relevant prescribed area within the meaning of these words in Section 10 (1) (C) of the Bantu (Urban Areas) Consolidation Act, No 25 of 1945.

Mrs Komani lawfully entered the prescribed area in May 1974, and was granted permission to remain in the area until May 31, 1974. The permission was extended on three occasions, but was not renewed or extended after January 31, 1975.

On March 17, 1975, the Administration Board was called on to concede that Mrs Komani was entitled to remain within the prescribed area by virtue of the provisions of Section 10 (1) (C).  
The Chief Justice, Mr

Justice Rumpf, ordered that the appeal be upheld with costs.

In the appeal court the issue was raised that Regulation 20 (1) of the residential regulations was "ultra vires" because of unreasonableness and vagueness.

The Chief Justice said that to ascertain whether any of the arguments were valid, Act 25 of 1945 and the regulations had to be analysed.

Local authorities had from time to time acquired the right to control blacks within their jurisdiction. The Natives (Urban Areas) Act 21 of 1923 imposed the statutory duty on municipal bodies to provide housing for all blacks in their areas and to control the ingress of blacks into their areas.

The legislature must have known that at the time the 1923 Act was passed, thousands of blacks had been born, and had been living continuously thereafter, in locations.

In the Act there is a provision entitling the authorities to deal suitably with "habitually unemployed" and those who lead "idle, dissolute or disorderly life," but there are no specific provisions to deny a black, who was born in a location and who had continuously lived there, a right of residence.

The Chief Justice said by Act 46 of 1937 important amendments to the 1923 Act were introduced, obviously to balance labour supply with labour demand. Subsections 12 (1) (E) and 12 (1) (H),

required certain blacks to depart from the proclaimed area and prohibited "any male native who is not under a contract of service from remaining in the urban area.

"The judge stated that both sub-sections contained the additional provision "that natives born and permanently residing in such area shall be exempt from such requirements".

The judgment said the effect of Section 10(1) (A) of Act 25 of 1945 was that a black born in a prescribed area who has since birth continuously resided in such area, may remain in that area. Continuous residence by such a person in the area since birth therein is expressly required by the section as the qualification for the right to remain in the area. It followed that such a person, born and continually resident since birth of the act, lawfully resided therein, irrespective of being employed or not — Sapa

and attitudes towards problems and people. The fact that the interviewer is from out of the clips the interviewee to express his primarily because he is not afraid of the interviewer and of the possible interviews possible, however, to interview all of the organization, and we therefore questionnaires. Personal interviews of organizational members serve as a basis for an "attitudes questionnaire" questionnaire is subsequently distributed to members of the organization. The does not serve for probing in changes of people, but is a more technique, striving at a much more wide coverage of the organization who are requested to respond to the are promised that their personal information will not be made public. The questions prepared in such a way that a response one out of several pre-established questions. Following are two examples which might appear in an attitude THE CATEGORY WHICH MOST NEARLY CLEAR HELINGS WITH REGARD TO EACH AVOIDING QUESTIONS



# Easing of township permit rule is welcomed

206  
S. 206  
206/60

**Political Reporter**  
Government officials are giving urgent attention to a Supreme Court judgment which could aid thousands of black wives and children who have been unable to get permits to live in urban townships.

The effect of the judgment appears to be that thousands of black wives and children who have been prevented from living with husbands and fathers in black townships will now be able to do so without restriction.

## ESTIMATES

There are estimates by some observers that up to half of the illegal residents of townships such as Soweto could be affected by the judgment.

One interpretation also being placed on the judgment is that it will

entitle youths over 18 to live without a permit in townships where they were born and have lived throughout their lives.

Senior officials in the Department of Co-operation and Development were not available for comment.

However, department sources indicated that urgent attention was being given to the judgment because it could have a drastic effect on the permit system.

## CIVIL RIGHTS

The chairman of the West Rand Administration Board Mr John Knoetze, said today he would give immediate attention to the judgment.

This was obviously something which would have to be studied very carefully, he said. "It

would be premature for me to comment on it at this stage."

He felt it was likely the Government would release a clarifying statement soon.

The judgment has meanwhile been welcomed by civil rights campaigners and opponents of the influx control system.

An appeal had been made after the Supreme Court dismissed a case contesting the ruling of the local administration board that Mrs Nonceba Meriba Komani did not have the legal right to live with her husband, Mr Veli Komani, of Guguletu, Cape Town.

The Appeal Court ruled that she was entitled to live in the area by virtue of the provisions of section 10(1)(c) of the Blacks' (Urban Areas) Consolidation Act.

# Husband delighted by news

MR WILLIE KOMANI, 55, was delighted yesterday when he heard he had won his appeal case in Bloemfontein

He thanked the Black Sash for helping him during the case. Mr Komani said many people had tried to discourage him while the case was going on and had said he was not going to win.

He said that during the case — which started in 1974 — it had been difficult to find accommodation. A person without a wife did not get a house in the Peninsula.

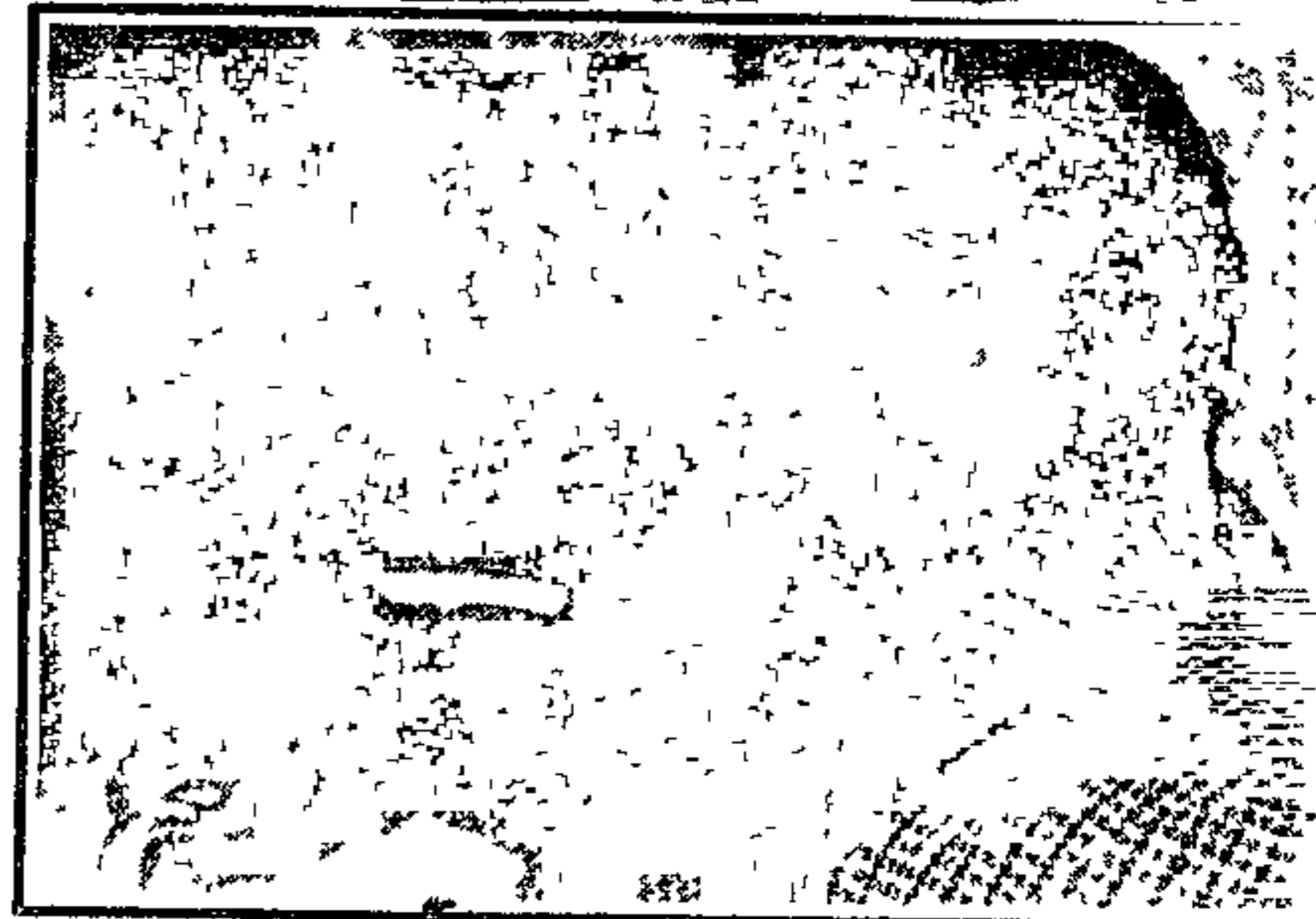
He has got three children and a two grandchildren. All the family have been living in a one-roomed shack.

The family has moved from place to place asking occupants of houses for permission to erect the shack in their yards.

"I am happy now because I am going to get a house to live in with my family," Mr Komani said.

He cannot remember when he married, but said the ceremony was in the Ciskei. He had arrived in the Peninsula in 1957 and had worked for an Epping firm for 20 years.

His wife, Mrs N Komani was out when the Cape Times visited the family in Guguletu.



Mr Komani and his granddaughter Zandile last night.

# Dramatic verdict on blacks

~~206~~  
206  
C. Times 20/8/80

SCORES of thousands of wives and children of men legally resident in black townships throughout the country — including thousands in the Western Cape — who have been prevented from living there except under permit, may from now on be able to live in the townships without restriction.



To say that the prohibition of the right to strike "facilitated African workers today facing the major problems facing the African workers today the economic sphere seems to be way off target

One of the major problems facing the African workers today is the opportunity to develop skills and improve their they could have achieved were

of their kind would not help of this kind would not help of this kind would not help

benefits for management in semi-skilled workers and African workers desire turn to the objectiveness of the

through their unions about to any great degree their right to strike, have their right to strike, have

benefitted workers the idea behind the that the right to strike would not being able to strike

our power certainly leads to seem to be obtained in many by workers

From page 1

cause of the judgment, and warned that it would take several months to cut through the administrative red tape to clarify the position of many of those affected

Documents such as birth certificates would have to be sought. The onus of proving a residential qualification still rested with the blacks concerned

But she hoped the Black Sash would soon be able to have the position of many wives who had been seeking permission to stay with their husbands legalized

The case went on appeal after Mr Justice P Schock had dismissed Mr Komani's claim in November, 1978, against the Bantu Affairs Administration Board, Peninsula area, ruling that his wife did not have the legal right to live in the black residential area where her husband resided

Concede

Mrs Komani entered a prescribed area of the Peninsula in May, 1974, under permit until January 1975. In March, 1975, the Administration Board was called on to concede that Mrs Komani was entitled to remain by virtue of the provisions of section 10 (1) (c) of the act

Mrs Duncan said that the position of persons residing in the townships by virtue of a work or residential qualification under section 10 (1) (b) - 10 years work for one employer or continuous residence for 15 years - also appeared to be affected by the judgment

"But I would like time to study this to clarify this, as no specific mention was made of persons falling under this section," she said - Staff Reporter and Own Correspondent



C. Times

20/8/88

206

This would appear to be the legal effect of a judgment in the Appeal Court in Bloemfontein yesterday which declared *ultra vires* a regulation in terms of which certain permits are required for all persons living in black residential areas.

The judgment ends a five-year legal battle by a Guguletu man, Mr Veli Wilhe Komani, 55, who began his fight for the right to live with his wife, Mrs Nonceba Mercy Meriba Komani, in the Peninsula in March, 1975.

Mrs Sheena Duncan, director of the Black Sash Advice Office, Johannesburg, said last night "This is the most exciting news we have ever had. It could affect literally scores of thousands of people."

### 'Nonsense'

"The judgment actually makes nonsense of the whole house permit system. It means in effect that no permits will be required except by persons who are not entitled under the law to residence," she said.

The issue involved section 10 (1) (c) of the Bantu (Urban Areas) Consolidation Act No 25 of 1945, as amended, and regulation 20 (1) of residential regulations published in 1968 and subsequently amended.

Mr Komani contended that his wife was entitled to remain in the Peninsula in terms of section 10 (1) (c), but the Peninsula Administration Board claimed that she was not, as her residence was unlawful in terms of the regulation.

However, the Appeal Court yesterday found *ultra vires* a provision in regulation 20 (1) that no person could live in a black residential area unless he was the holder of certain permits, or had first obtained a lodger's permit.

The Appeal Court ruled that the literal words of the regulation were inconsistent with the

intention of the legislature as contained in Act 25 of 1945, and sought to impose an unauthorized prohibition on persons who had been born in and had continuously resided in a black area.

The Appeal Court ruled that the provision contained in regulation 20 (1) that no person could reside in a black area without the permits referred to was therefore *ultra vires*.

It had not been contended before the court that the regulation was valid insofar as it related to persons not qualifying in terms of residence and invalid for those who did qualify in these terms. *Prima facie*, the Appeal Court judgment said, there appeared to be no substance in such an argument.

According to Mrs Duncan, the judgment, by specifically declaring the regulation to be *ultra vires*, would affect the position of scores of thousands of wives and children who for one reason or another had been unable to get permits to live in Soweto and other townships with their husbands or fathers.

These people — having been endorsed out of the black areas — were living illegally in Soweto and other townships.

Mrs Duncan said these people would now be able to register with the employment authorities, seek passes and seek employment legally.

"It often happened that children were affected because their mothers did not possess the necessary qualifications to reside legally in the black townships where their husbands lived," she said.

Mrs Duncan said she expected that the Black Sash offices would be flooded with inquiries from people seeking to legalize their position be-

→ → → →  
To page 2





# Judges rule for Guguletu wife

BLOEMFONTEIN — The Appeal Court here yesterday upheld the appeal of Mr Veli Willie Komani against the dismissal by the Cape Supreme Court of his claim that his wife was qualified and entitled to remain in the prescribed area of the Cape Peninsula.

The appeal was brought by Mr Komani of Guguletu in his capacity as husband and guardian of Mrs Nonceba Mercy Meriba Komani (born Mjekula).

When Mr Justice P Schock dismissed Mr Komani's claim against the Bantu Affairs Administration Board, Peninsula area, on November 8 1978, he found that as Mrs Komani did not have the legal right to live in the black residential area where her husband was entitled to live and in fact resided, she could not be said to be "ordinarily resident" in the relevant prescribed area within the meaning of these

words in section 10(1) (c) of the Bantu (Urban Areas) Consolidation Act No 25 of 1945

## Granted permission

Mrs Komani lawfully entered the prescribed area in May 1974 and was granted permission to remain in the area until May 31 1974. The permission was extended on three occasions but was not renewed or extended after January 31, 1975.

On March 17 1975 the Administration Board was called on to concede that Mrs Komani was entitled to remain within the prescribed area by virtue of the provisions of section 10(1) (c).

The Chief Justice Mr Justice Rumpff with the concurrence of Mr Justice Corbett, Mr Justice Miller, Mr Justice Joubert and Mr Justice Galgut (acting Judge of Appeal) ordered yesterday that the appeal be upheld with costs such costs to exclude counsel's fees but to include out-of-pocket expenses actually incurred by counsel.

## Order substituted

The order of the court *a quo* was set aside and the following substituted:

(A) It is declared that as at April 1 1975 plaintiff's wife was entitled to remain in the said area for more than 72 hours by virtue of the provisions of section 10(1) (c) of the Bantu (Urban Areas) Consolidation Act No 25 of 1945 as amended.

(B) The defendant is ordered to pay the plaintiff's costs. Mr Justice Rumpff said that the court *a quo* accepted that the words "ordinarily resides" in section 10(1) (c) connoted lawful ordinary residence. It rejected a submission that a subsequent amendment to section 10(1)

affected the position. It had held that regulation 20 was applicable and that in terms of this regulation the residence of Mrs Komani in Guguletu was illegal.

The judge said the amendment did not affect the construction of section 10(1) and the suggestion was without substance.

## 'Of more importance'

However in the Appeal Court, an issue of much more importance was raised. This was that regulation 20(1) of the Residential Regulations was *ultra vires* because of unreasonableness and vagueness.

Mr Justice Rumpff said that in referring to these sub-sections, he had not overlooked that in terms of Section 16 inserted by Act 46 of 1937 there was express power granted to the minister concerned to remove redundant blacks (with their families) from urban areas and to make accommodation for them in terms of Act 18 of 1936.

The 1923 act had been amended on a number of occasions when it was replaced by Act 25 of 1945 which basically contained the same principles as the 1923 act.

## Child may remain

The judgment stated that the effect of section 10(1) (A) of Act 25 of 1945 was that a black born in a prescribed area who had since birth continuously resided in such area may remain in that area.

Continuous residence by such a person in the area since birth therein was expressly required by the section as the qualification for the right to remain the area. It followed that such a person born and continuously resident since birth of the Act lawfully resided therein irrespective of being employed or not.

Mr Justice Rumpff said he thought the very fact that there were provisions in the 1923 act and in the 1945 act that dealt with "idle" people confirmed the intention of the legislature that people who were born in a black residential area and thereafter continuously resided in such area were to be deemed lawful residents irrespective of whether or not they were employed. Various types of people were considered "idle" people but for the purposes of the view expressed above it was necessary to quote sections 29(1) (A) (i) and 29(2) (d) of Act 25 of 1945.

The introduction to section 29(2) reads: "For purposes of sub-section (1) an 'idle person' means a black, other than a bona fide black housewife

## 'Lawfully residing'

Mr Justice Rumpff said he was of the opinion that a person residing in terms of section 10(1) (a) of the act must be deemed to be lawfully residing in that area subject of course to such conditions as may validly be imposed.

If this view was correct, then the literal words of regulation 20(1) that no person other than any holder of a site or residential permit shall reside in the black residential area unless he has first obtained a per-

mit hereinafter referred to as a lodger's permit were inconsistent with the intention of the legislature as contained in Act 25 of 1945, and sought to impose a prohibition on people born in a black residential area who had continuously resided in such area from residing in such area in prohibition which was unauthorized.

## Lodger's permit

The Chief Justice said the provision in regulation 20(1) that no person shall reside in the black residential area unless he is the holder of the permit referred to or has first obtained a lodger's permit, was therefore *ultra vires*, because Act 25 of 1945 did not intend to require people born in an area and who had resided there continuously to have a lodger's permit in order lawfully to reside in such area unless they had a permit referred to in Regulation 20(1).

The Chief Justice concluded that it had not been contended before the court that regulation 20(1) might be considered valid in a part and invalid in other parts, that is invalid insofar as it related to a person falling within the terms of section 10(1) (A) of the act and valid insofar as it related to people not falling within the terms of Section 10(1) (A). *Prima facie* there would appear to be no substance in such argument. — Sapa.

# Mother ordered to leave husband, children

*Handwritten:* Mrs. Moleya's appeal 1979  
206

ON TUESDAY Chief Justice Frans Rumpff and Soweto mother of five Caroline Moleya became opposite ends of the same bit of South African history.

That was the day Judge Rumpff delivered a judgment interpreted as guaranteeing men entitled to live in urban areas the right to bring their families to live with them.

The full Bench judgment was given in the Appeal Court in Bloemfontein.

On the same day Mrs Moleya was given 72 hours to leave Johannesburg — although her husband and five children are all entitled to be in the area.

Until she lost her passport, she was also entitled to be in Johannesburg.

On Friday Dr Piet Koorhof, Minister of Co-operation and Development, warned that the judgment should not be taken to mean there would be a large-scale influx of wives and children into urban areas.

Mrs Moleya can understand that warning.

She came to Johannesburg from Krugersdorp (where she got her first reference back) in

## BARNEY MTHOMBOTHI REPORTS ON OPPOSITE SIDES OF SA HISTORY

● Mrs Caroline Moleya her troubles began when she lost her pass

Picture by DENIS FARRELL

1967 to marry her husband, Ephram, in Diepkloof

Mr Moleya is entitled to live and work in Johannesburg

His wife finally got herself registered to work and live in Johannesburg in 1973 but in July, 1979 she lost her reference book — something every Black person in South Africa dreads

That started a year of agony and red tape which ended with her being endorsed out of Johannesburg on Tuesday

"After I lost my pass I went to see the superintendent in Diepkloof and he sent me to New Canada," Mrs Moleya said "The officials at New Canada said I should go to Orlando Police Station for some

affidavits

"I came back to New Canada with the affidavits and they sent me to the Wrab head office in Albert Street, Johannesburg

"I was told to go to Krugersdorp to fetch a duplicate of my application for the new book

"I got the pass in Krugersdorp a few months later and

went to the Albert street offices for registration I found they had moved to New Canada so I went there "

Mrs Moleya was told to return after a month

"But when I went there on Tuesday I was told my papers were back from Pretoria and that I did not qualify to be in Johannesburg. So they took my pass and stamped that I should be out of Johannesburg in 72 hours

"They told me I could lodge an appeal with the Bantu Affairs Commissioner. They were quite polite, but what difference does it make?"

"It doesn't change the fact that I'm now illegal in a place where my husband and children are legal residents

"I cannot understand why they endorsed me out of Johannesburg because my pass was in order before I lost it"

Johannesburg, said

"This case is very interesting because Mrs Moleya did qualify to remain in the area before she lost her pass"

The Black Sash will lodge an appeal with the Bantu Affairs Commissioner in Johannesburg on Mrs Moleya's behalf — and if the appeal fails will go to the Supreme Court

Mr Justice Rumpff ruled on Tuesday that Blacks with urban residential rights did not have to have lodgers' and residents' permits to be in an urban area

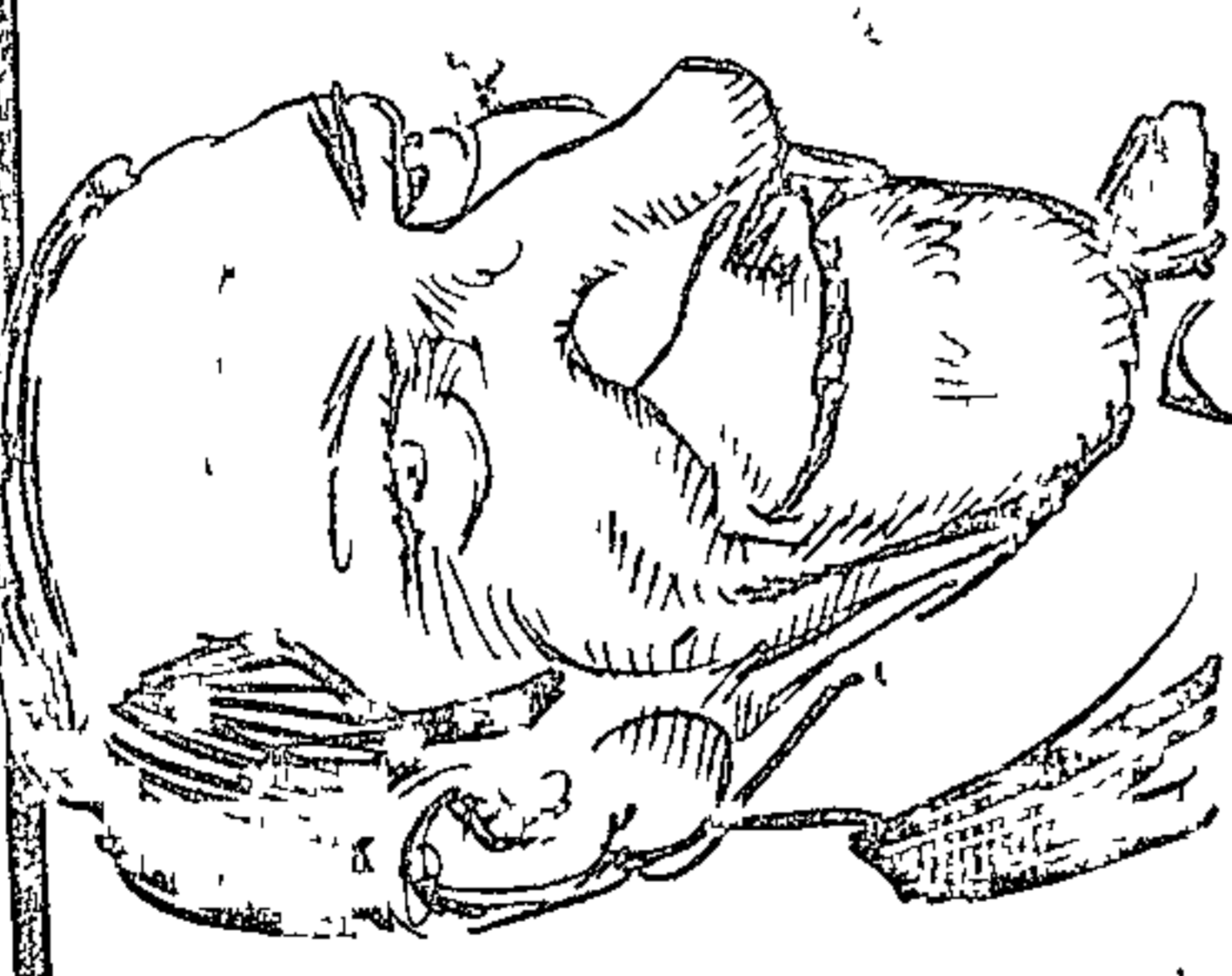
His judgment also means, according to legal experts, that married men with urban residential rights can bring their families to live with them — also without permits

Wrab spokesman Mr Jan Bosman said "It's not acceptable to me that she can just be endorsed out of Johannesburg without a good reason"



# Koornhof under fire for his statement on influx control

Sunday Post (206)



**New deal for blacks' shown up, says Black Sash**

THE Black Sash has criticised the statement by the Minister of Co-operation and Development, Dr Koornhof, that the families of men legally living in black townships would not automatically be able to join them.

"Although Dr Koornhof might think otherwise, any statement he may make regarding this regulation is not the law," said Mrs J Nicholson, supervisor of Durban Black Sash.

Mrs Nicholson said when the Appeal Court in Bloemfontein declar-

ed a regulation ultra vires — to have been made by persons who had no power to make it — then it was no longer of effect.

"Fecpic previously affected by that regulation are no longer governed by it," she said.

Dr Koornhof had said that in spite of the judgment in the Appeal Court in Bloemfontein this week — which declared ultra vires the regulation requiring lodger's permits and site and residential permits for all persons living in black residential areas

— each case would have to be judged on the facts.

Mrs Nicholson said the Black Sash was surprised that Dr Koornhof did not welcome the court's decision.

She said "He's a professed practicing Christian and has promised a new deal for blacks."

"However, once again this has been shown up as total hypocrisy if the clear Government sincerity does not go as far as the slightest attention to its totally inhumane influx control

# MIGRANT LABOUR, S.A. - Pass Laws

1-1-81

- 31-7-81



PASS LAWS

FM 16/1/81

206  
2 30

# Total discrimination

South Africa moved a giant step nearer to becoming a totalitarian society on Wednesday with the (unusual) mid-week gazetting of Internal Affairs Minister Chris Heunis' new bill providing for eventual fingerprinting of the entire population and the compulsory carrying of passes by all.

The new measure which the PM hopes will be subject to strong public criticism and at least, drastic parliamentary revision, extends to everyone the total population control only possible under totalitarian regimes.

Blacks, of course, have laboured under this control for years and it will be interesting to see how whites react to a taste of the same treatment — although it seems the application of pass laws to whites will be less rigorous than blacks are accustomed to.

In terms of the bill the new measures will be phased in — starting with the compulsory fingerprinting of all applicants for identity documents, or endorsements or renewal of existing documents.

At a date yet to be determined there will be a uniform identity document for all (including blacks) which must, subject to certain conditions, be produced on demand (This from a government that could not even get the Book of Life scheme off the ground.)

The draft bill provides that the document must be presented on demand to any peace officer or, should it be more than 5 km away it must be produced within seven days.

## White pass offenders

One politician who is betting the seven day concession will not apply to blacks is the PFP's Helen Suzman. "They can only make influx control work if demand means just that," she told the PM.

So if the draft bill is intended to undermine charges of racial discrimination by having the government discriminate against *everyone*, it is unlikely to work — unless government drops the seven day clause and builds new jails for white pass offenders.

In Cape Town yesterday Heunis offered two reasons for the proposed legislation.

One was that it was intended to improve the effectiveness of the Population Registration Act. The other, ominously, was to limit the increasing attempts at infiltrating (presumably by saboteurs) strategic installations and key positions "at a time when SA faced total onslaught."

To use the measure for security purposes implies involvement of the security forces. Yet Heunis says the fin-

gerprint register will be kept by his department and the criminal bureau will have no access to it.

Heunis had another New Year present for SA Businesses societies associations and everyone else who needs to keep records and addresses is going to have to make the information available to the

government.

He says departmental representatives will be in contact with other departments, banks, building societies, life assurance companies, estate agents, farmers' associations and boarding house keepers.

These bodies will all be used to assist in the "immense task" of keeping an up to date register of population changes and the addresses of registered persons.

Once this was effective even the voters roll would be drawn from the population register and voter registration would fall away.

What the government seems to have in mind is a 1984 type of society where the authorities can lay their hands on anyone at any time and where the right to privacy is non-existent.

But 1984 is still three years off.

*30/1/68*  
**Wrab still evicting wives and daughters**

The West Rand Administration Board is still evicting wives and daughters of men qualified in terms of Section Ten (1) (a) or (b) of the Urban (Blacks) Areas Consolidation Act, in spite of a ruling by the Appellate Division of the Supreme Court last year that it was incorrect to do so.

Mr. A. E. Steenhuisen, Wrab's chief director of labour, says that every application will be treated on its merits in the light of that Supreme Court ruling. We will submit all applications which are not straightforward to the Department of Co-operation and Development, on appeal.

The Black Sash, in the meantime, has compiled a memorandum listing at least 21 women who have been endorsed out of the magisterial area of Johannesburg since the court's ruling.

The memorandum was compiled in collaboration with the Legal Resources Centre which has been advising the women.

At least one woman, Mrs. Evelyn Mpana Mmapaletsebe, has won her battle to remain in Johannesburg.

In spite of proof from Wrab officials that the court ruling could not be taken as general, Mrs. Mmapaletsebe was allowed to remain in Johannesburg instead of being returned to Rustenburg.

Mrs. Sheena Duncan, a director of the advice section of the Sash, said Wrab officials were still evicting wives and daughters.

S F Richards  
Management  
dissertation  
a first  
For the  
LTA Prize  
R W Kohn  
student  
For the  
George S  
R W K  
Fourt  
B de  
Third  
C S J  
Secon  
J A L  
First  
course.  
year of  
For the  
Book Pri  
for the  
National  
M R I Ne  
structur  
For the  
R Stubbs  
J G Kirk

**BUILDING**

design work.  
best use of bricks in his  
For the student who has made  
S A Brick Association Prize  
Miss M F J Sandilands  
first year.  
For the best work in  
Mrs. Thornton White Prize

**ARCHITECTURE**  
(Continued)



# Midnight raid

# lands lawyer in court

S. Times  
11/2/81  
205

By RAY JOSEPH

A FORMER attorney, Mr Andrew Cranko, has been summonsed to appear in court after a midnight raid by five Port Natal Administration Board policemen this week.

A black woman and her year-old child were sleeping on his property

Although the woman, who is registered to work and live at the home of Mr Cranko at Blythedale Beach on the North Coast, produced her reference book during the raid Mr Cranko still has to appear in Stanger Court on February 21.

He will have to explain to the court what Mrs Mavis Ngoma — her name is incorrectly given as Mnyant in the summons and in her reference book — and her baby were doing there, unless he is prepared to pay a R40 admission of guilt.

The day after the raid Mr Cranko, who has retired from practice, wrote to the PNAB pointing out that Mrs Ngoma had been living on his premises since March 1979 and was entitled to be accommodated there.

The next day the summons was issued.

Mr Cranko said that a senior inspector from the PNAB who lives across the road from him had "from time to time" told him to get a permit for the baby, Princess, to live at his home.

"He told me to get a permit or I would be prosecuted for accommodating the baby," Mr Cranko said.

Mrs Ngoma told how on the night of the raid she was asleep with her baby when she was awakened by a loud banging on her door about midnight.

"I was very scared and did not want to open up. But when they said they were from Port Natal I let them in.

"They looked round the room and shone a torch on Princess, who was sleeping in a corner. They asked for my pass and I showed it to them. They then gave me the warning for Mr Cranko and left without even apologising for waking me up," she said.

Mrs Ngoma, who is unmarried, has two other children, aged seven and five, living with her elderly mother at Mapumulo.

## Official phoned

"My mother is very old and cannot look after such a little baby. I must have Princess with me because she is still very small and I must feed her at all times."

Mr Cranko said that after he had written to the PNAB after the raid he was phoned by an official and told that he had not "answered the warning properly and would have to go into the office and see an inspector."

When I got there the inspector said that, unfortunately, he had to give me a summons. He said he would hold the R40

CAUGHT IN HIS BACK ROOMS: MAVIS AND HER BABY, SLEEPING



Mrs Ngoma and her baby, Princess, who is an "illegal"

CHEMICAL

ENGINEERING

admission of guilt if I applied for a licence for the baby

"Later an inspector arrived at my house with the form and said that after I filled it in he would see what he could do

"I asked him why I had been charged because of Mavis. He said that as they did not know the child's name she was responsible as its mother. He was not charging her and it was only the child they were interested in

"This is the second time I have run foul of the Port Natal authorities. Once my gardener was charged with accommodating his wife at my place"

### Next move

Mr Cranko said that he would now approach the Stanger public prosecutor to have the charge withdrawn, and if that failed he would go to court

He said "Obviously the officials of the Port Natal Administration Board have not heard of the trend by the Government to make things easier for blacks

"I believe that P W Botha and Piet Koornhof really want to help blacks, but have fallen down by not informing the relevant inspectors at a local level"

Mr H J Venter, the PNAB director of employment services said that Mrs Ngoma was obviously "exempted as such but the baby is not. We will not refuse this permit if he applies for it"

He said that the reason for sending so many inspectors on the raid was because "we do not know what we will find in a room. Sometimes there is a whole canteen or shebeen and one inspector would not be enough"

Sunday Times

1/2/81

206



Hansard .1

Col

30/1/81

30/1/81

266

Black contract workers

Black contract workers  
10 Dr A L BORAINÉ asked the  
Minister of Co-operation and Development

JANUARY 1981

12

How many Black contract workers were  
working in the Cape Peninsula in 1980?

The DEPUTY MINISTER OF CO-  
OPERATION

17 591

Hans.

1

Quees Col 9

30/1/81

206

9

FRIDAY, 30 JA

**Commission of Inquiry into Legislation  
Affecting the Utilization of Manpower**

\*5 Mrs H SUZMAN asked the Minister  
of Co-operation and Development

Whether he intends to take any steps to  
implement the recommendations made by  
the Commission of Inquiry into Legisla-  
tion affecting the Utilization of Manpower  
(excluding the Legislation administered by  
the Departments of Labour and Mines) in  
respect of influx control, the pass laws and  
curfew regulations, if so what steps, if  
not, why not?

30/1/81  
+The DEPUTY MINISTER OF CO-  
OPERATION

The Black Labour Regulations were  
amended by Government Notice no  
R 1208 of 13 June 1980 in order to  
implement those accepted recommenda-  
tions which could be given effect to by  
means of regulations under the Black  
Labour Act, 1964. Furthermore, legisla-  
tion in relation to these matters are under  
consideration and in an advanced stage of  
finalisation



# Influx control

RDM 24/1/81

## exemption for some blacks?

By PATRICK LAURENCE  
Southern Africa Editor

GREATER use of existing powers to exempt better-educated and wealthier blacks from influx control regulations is being planned

The director-general of the Department of Co-operation and Development, Mr G H T Mills, said yesterday in an interview "Large categories of blacks must be freed totally from influx control doctors, lawyers and teachers. But not only professional people. Businessmen and homeowners too"

Mr Mills was elaborating on an address to departmental commissioners, in which he sketched some challenges faced by the department and some of its proposed responses

He declined to expand more specifically on plans to exempt middle-class blacks from influx control, except to say "It is for the Minister, Dr (Pret) Koornhof, to spell out the precise details"

But it is understood that Dr Koornhof's trio of "reformist" Bills - to be introduced in the present session of Parliament - will facilitate the drawing up of regulations to exempt de-

finer categories of blacks en masse from influx control

The Minister of Co-operation and Development already has the power to exempt "any black or any group or category of blacks" from the provisions of the key influx control law, the Black (Urban Areas) Act.

The Urban Areas Act will be withdrawn and replaced by the Black Community Development Bill, which re-enacts the clause empowering the Minister to exempt blacks from influx control provisions (which contained heavier fines in the already published draft version).

It can be argued that exempted blacks will have to produce proof of their status, and that the difference between this and having to produce a reference book is negligible

But that contention does not stand up if the exemption clause is used to give the black bourgeoisie - or selected sections of it - immunity from prosecution under the influx control laws and the proposed heavier fines

But Dr Nthato Motlana, chairman of the Soweto Civic Association, was unimpressed. "I am certainly not interested in exemptions. I am only interested in the blanket exemption from the pass laws of all South Africans, regardless of colour"

Partial exemption, he added, divided blacks into *haves* and *have-nots* and thereby exacerbated rather than relieved tensions

Complete abolition of influx control has long been a key aim of black nationalists, who declared the pass laws to be "Enemy No 1" decades ago. In his address Mr Mills made it clear that there was no prospect of absolute abolition

obtaining  
or to  
bring

COURSE

IDE

each  
degree

the Building Industry  
Development Fund

I Ness

the best project in  
structure and design.

tubs Award

Kirkman

design work.

For the student who has made  
best use of bricks in his  
S A Brick Association Prize

Miss M F J Sandilands

first year.

For the best work in  
Mrs. Thornton White Prize

BUILDING

ARCHITECTURE  
(Continued)

Minister of Police  
Mrs H. COZMAN  
Police

How many persons were processed under section 80 during the period 1 July 1977 to 30 June 1980?

The MINISTER OF POLICE

15 222 persons



# Pass problems drive black ex-convicts back to crime,

By Carol Mathiane

One of the many files stacked on Mr. Shumane Khumalo's desk at the Nicro offices is that of long-term prisoners who have been released from prison but no longer qualify to be in the urban areas.

Apart from helping ex-convicts to adapt to society, he also has to assist them with their applications to be allowed into the city.

Nicro is the National Institute for the Rehabilitation of Criminal Offenders.

"When a man has served his prison sentence, one would expect he's paid his debt to society.

"Unfortunately, it isn't so with many blacks.

"Most of the people who leave prison have lost their reference books. To qualify to be in urban areas, they have to prove they have been there for a number of years.

"If they cannot produce sufficient evidence, they are sent out to the homelands.

"A person who spends more than six

months in jail may, on release, lose certain qualification rights.

"Sometimes appealing helps, but in most cases these people never know where and how to get documentary proof in the form of affidavits from their next-of-kin and references from past employers," he said.

Going through the files one comes across many such cases. A 30-year-old man who was born in Sophiatown and started as a juvenile delinquent could not get his qualifications right.

When his parents were moved from Sophiatown they were divorced and his mother married another man.

At 12, he left school and started pilfering. He served his first jail sentence at 18. By then his stepfather had also left his mother.

His mother died while he was in prison. When he was released in September last year, he had no home, no job and no reference book.

At 30, he wants to start a new life. But a

great deal will depend on the results of the appeal.

Another case was that of a 40-year-old man who served a 20-year prison sentence. After his release, he had no pass, his wife had divorced him and he had no place to stay.

He has applied for a new reference book but until he obtains one, he cannot be employed.

There are many more such cases at the Nicro offices. Some ex-convicts don't even know about Nicro and thus fall prey to touts and organisations which rob people under the guise of helping them.

"Because the man cannot be employed he goes back to stealing, hand bag snatching, robbing people on bus ranks and in the trains.

"Because of the pressures, he becomes drunken and frustrated, he hits out at the next person, kills, rapes and is generally violent. He is a bitter man and whatever way he goes, society rejects him."

Building  
for a  
ent obtaining

gree course.  
1 year

size

degree  
in each

National Development Fund

BUILDING

M R I Ness

For the best project in structure and design.

R Stubbs Award

J G Kirkman

design work.

For the student who has made best use of bricks in his

S A Brick Association Prize

Miss M F J Sandilands

first year.

For the best work in

Mrs. Thornton White Prize

(Continued)

ARCHITECTURE

Curfew:  
 CT 5/2/81  
 15 222  
 tried (206)

Political Staff

HOUSE OF ASSEMBLY —  
 More than 15 000 people were prosecuted under South Africa's curfew laws in 1979-80 — in spite of the fact that the Riekert Commission recommended that they be abolished

This was disclosed yesterday by the Minister of Police, Mr Louis le Grange, when he replied to a question tabled by Mrs Helen Suzman (PFP Houghton)

Mr Le Grange said that 15 222 people had been prosecuted under the curfew laws between July 1, 1979 and June 30, 1980

Afterwards, Mrs Suzman said that the Riekert Commission had recommended the abolition of the curfew laws in June 1979 and the government had unequivocally accepted this recommendation, "yet nothing has been done to get rid of his medieval law

"Even the draft bill, which is part of Dr Koornhof's 'new deal', retains the curfew laws

"No wonder blacks are increasingly disillusioned about reform," Mrs Suzman said

highest average  
 Year student

student with the  
 Moral Prize  
 in Engineering

Professor George Menzies Prize  
 Awarded on results of final  
 examinations to the best male  
 Surveying or

- B F McClelland
- J H Rens
- D P Weeks
- T J Cumming
- P M Salmon

Fourth Year (Gold Medal)

Miss N C Davidson

Third Year (Silver Medal)

Miss G C Littlewort

Second Year (Bronze Medal)

For the best student in each  
 of the 2nd, 3rd and final years.  
 Corporation Medals

FACULTY OF ENGINEERING

CHEMICAL



RDM 5/2/81  
(206)

# 'Medieval' curfew law is slammed

Political Staff

THE ASSEMBLY. — The Minister of Police, Mr Louis le Grange, said in reply to a question tabled by Mrs Helen Suzman (PFP Houghton) yesterday, that 15 222 people had been prosecuted under the curfew laws between July 1 1979 and June 30, 1980.

Afterwards, Mrs Suzman said the Riekert Commission had recommended the abolition of the curfew laws in June 1979 and the Government had unequivocally accepted this recommendation "yet nothing has been done to get rid of this medieval law"

"Even the draft Bill, which is part of Dr Koornhof's new deal, retains the curfew laws. No wonder blacks are increasingly disillusioned about reform," Mrs Suzman said

Curfew regulations Randburg and Sandton  
104 Mr H E J VAN RENSBURG  
asked the Minister of Police

7/2/31  
How many persons were arrested under  
the curfew regulations in the (a) Rand-  
burg and (b) Sandton municipal areas  
during 1930?

THE MINISTER OF POLICE

- (a) 157
- (b) 71



... he ...

... (a) ... (b) ...

...

(a) 79

(b) 124

... number of police ...

Patrols

189 Mr D J DALLING Minister of Police

How many policemen are engaged each

EBRUARY 1981	46
day in patrols operating from the (a) Rivonia, (b) Bramley, (c) Wynberg/Alexandra and (d) Lombard East police station?	
The MINISTER OF POLICE	
(a)	6
(b)	24
(c)	6
(d)	8

FEBRUARY 1981

1973  
148 H. S. ...  
of reference  
2/2/81

- (1) Whether in ... (a) ... (b) ...
- (2) Whether ... (a) ... (b) ...

The MINISTER OF NATIONAL EDUCATION for the ... of ...

- (1) No
- (2) Falls away



of one kind or another  
So exemption from influx control would appear to mean having to carry a pass to prove that you do not have to carry a pass



age.

ing.  
h the

CHEMICAL

Koornhof . . . down to earth on influx control?

## INFLUX CONTROL FM 6/2/81 New passes for old

Recent statements on influx control indicate that Pretoria could be planning to exempt certain categories of urban blacks from most legislative controls. Minister of Co-operation and Development Piet Koornhof has said the three controversial Bills relating to black development will be revised before reaching Parliament, and CAD director general G H T Mills has been reported as saying that government is considering "a greater use of existing powers" to exempt blacks who do not currently qualify under Section 10 (1) (a) and (b) of the Blacks (Urban Areas) Consolidation Act, 1945, to live and work in prescribed areas

"Large categories of blacks must be freed totally from influx control doctors, lawyers and teachers. But not only professional people. Businessmen and homeowners too," Mills said. He could not elaborate further pending announcements in Parliament by Koornhof.

Observers have reacted cautiously. For a start exemptions have long been part of the influx control machinery and have been used administratively, though not freely, by commissioners to allow black lawyers, teachers, doctors — and government officials — to move from one area to another. In practice, the numbers involved have been little more than a trickle.

The extension of exemptions to embrace what is effectively a black middle class, even in the homelands, contrasts with

steps to tighten control over the mass of unskilled labourers. Repatriation to the reserves remains a grim prospect for those who lose their jobs in the metropolitan centres, and access to these areas is becoming increasingly difficult for those on the outside.

An interesting aspect of Mills's statement is the inclusion of "homeowners" in the category of those to be exempted. This could be interpreted as an attempt to sell the 99-year leasehold scheme, still viewed with much scepticism by blacks. But the concession comes bound up in other restrictions. On paper, holders of Section 10 rights may move from one prescribed area to work in another. But this is contingent on available housing, and the immense backlog in black areas makes this a dead letter.

Also, how does a black become a homeowner unless, according to present regulations, he already qualifies to be in a prescribed area? The Riekert Report proposed that entry into prescribed areas be dependent on housing and jobs. Mills's suggestion that homeowners be exempt from influx control could mean Pretoria is planning to implement this meaningfully. But except for independent professionals it is probable that only a small number of top black employees will qualify by obtaining company (or government) assistance in obtaining houses. This is a Catch-22 situation for all except a tiny elite.

Of course, the granting of an exemption would still appear to require that the recipient produce proof of his status, and that this be contained in a reference book



AUGUST 19, 1980 was a red letter day for Mrs Nonceba Komani — the Appeal Court gave her the right to live with her husband — a right she would not have had to ask a court for anywhere else in the world.

However, the fact remains that the highest court in the land ruled that Mrs Komani had a right in law to live with her husband, who was qualified to live in Cape Town's Gugulethu township.

The Appeal Court ruled that a Government regulation forcing anyone living in a black residential area to have a lodgers', site, or residential permit was "ultra vires" and invalid.

The court found the regulation was illegal because it conflicted with the terms of the Urban Areas Act, which states that a black person qualifies for permanent residence in an urban area if he has rights under Section 10 of the Act.

Section 10 confers permanent residence on any black person who has lived in an urban area since birth, or for a period of 15 years, or who has worked continuously in the area for one employer for 10 years, or is the wife, unmarried daughter or son under 18 of people eligible under these conditions.

Over the past 20 years many black women have been refused permission to live with their husbands in towns and cities throughout the country. The Government, administration boards, Commissioners' Courts and the Supreme Court have consistently stated that a black woman has no right to stay with her husband in terms of Section 10 (1) c of the Act unless she has been registered on her husband's lodgers' permit.

Superintendents usually refused to enter wives on their husband's permits and so thousands of families were divided — husbands and fathers staying in town while their wives and children were endorsed out to rural areas. Last year's historic Appeal Court

# THE BIG FLAW IN THE LAW:

## When the Govt ignores an Appeal Court ruling on urban black rights

RDM 10/2/81

2066

Nearly six months after the historic Appeal Court judgment in the Komani case, the Government is still implementing the ruling only after threats of legal action, or the actual institution of proceedings against administration boards. M A R I K A SBOROS reports.

indications of the Government's total loss of all understanding of Parliamentary democracy, the Rule of Law and other such principles they claim to uphold.

"The Nationalists have always clung to Old Testament righteousness — it is right because it is the law."

"Now we have a radical departure from this in a trend which is actually being encouraged and extended."

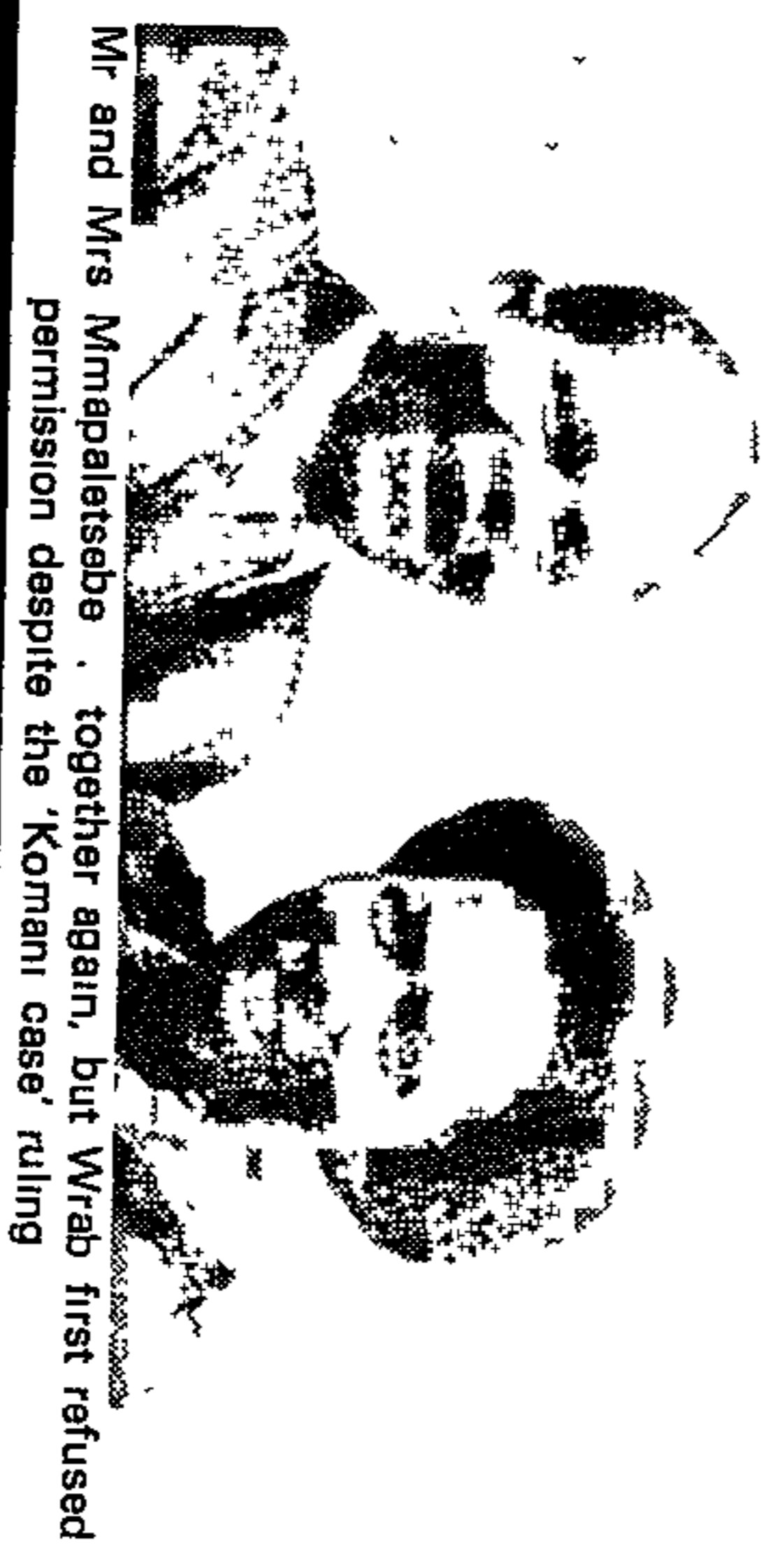
Mrs Duncan says this trend indicates the way in which all people, black and white, are increasingly finding themselves at the mercy of officials who have forgotten that they are civil servants — servants of the public.

advice office  
"They can lodge an administrative appeal with the Commissioner, or they can go to a lawyer."

"When the Commissioner refuses an appeal, the person can then go to a lawyer. He sends a letter to the board demanding that the person be given the endorsement or they will go to court to get it."

The boards then grant the endorsement.  
"It is not only the administration boards, but Dr Kooimhof's own officials who are in fact acting in violation of an Appeal Court ruling," Mrs Duncan says.

"The attitude and activities of the officials in stalling the endorsements



Mr and Mrs Mmapalesebe together again, but Wrab first refused permission despite the 'Komani case' ruling

"Where an official feels unable to accommodate an applicant in terms of the ruling, the application is referred to the department through the Chief Commissioner."

"As far as I am aware, only two cases were refused in the first instance after the cases went to lawyers, the endorsements were given."

"I am not aware of any cases which have been summarily refused."

But Mrs Duncan remains adamant she says Mr Knoetze and his officials make more work for themselves by claiming the bureaucratic defense that each case is different.

And senior Johannesburg lawyers agree that the principle in the Komani case is clear.  
Mrs Duncan gives an example of

a valid marriage certificate and the Section 10 endorsement in Mr Mmapalesebe's reference book. These were available.

He recalls "An official told us we were trying to take advantage of what had happened in Cape Town, but that those things would not happen in Johannesburg."

"They also told me I must buy the house I am renting in Diepkloof first, before they would consider giving my wife the endorsement. I don't earn enough to buy my own house."

Wrab officials refused the endorsement and told Mr Mmapalesebe they did not accept that his wife was eligible. They said her entry into Johannesburg had been illegal because she had no "permission" to enter the urban area.

A Supreme Court application was started by the Legal Resources Centre. Both Wrab and the Municipal Labour Officer gave notice of intention to defend.

But the matter was settled out of court with the labour officer agreeing to make a Section 10 (1) c endorsement in Mrs Mmapalesebe's book.  
"It was finally given last week," a relieved Mr Mmapalesebe said.

"We were so angry when the officials refused. We felt they were taking rights away from my wife that the courts said she had."

Another example Mrs P P M — she does not want her identity disclosed — also had to institute court action before her rights were granted. She was endorsed out of Johannesburg on November 9, 1979. She appealed to the Commissioner who refused her appeal. On October 23, 1980, a letter was written to the labour officer requiring him to give her the necessary endorsement by October 30. He did not respond.

A Supreme Court application was launched against Wrab and the Municipal Labour Officer. Both parties en-

tered notice to defend the action. However, the matter was settled out of court with the labour officer agreeing to enter the required endorsement in Mrs P P M's reference book. Wrab also paid her costs.

The Black Sash has examples of many cases where women received their endorsements only after a lawyer's letter had been written.

Mrs P J — endorsed out of Johannesburg on October 2, 1980, letter written to the Municipal Labour Officer on October 7, 1980. During December 1980, Mrs P J's rights were recognised.

Miss K B S — previously had difficulty in having her section 10 (1) c rights recognised, letter written to the Municipal Labour Officer on October 3, 1980. Her rights were recognised two days later.

Miss D M — was refused an endorsement during October 1980, letter written on October 28 to the Municipal Labour Officer. On November 17, her rights were recognised.

After last year's ruling, the Black Sash asked black people to get their papers in order as soon as possible in case the Government decided to change the law during the current Parliamentary session.

The Appeal Court ruling has helped some families to live together, and hopefully will help many more, despite WRAB's delaying tactics.

But as Mrs Duncan points out, the ruling helps only the small percentage of black people with permanent urban rights.

"It does not help at all the many thousands of people who are migrant workers who have no right to enjoy family life."

"The ruling is an amelioration of the condition of thousands of people, but is still only a concession for some people in a system which denies the normal human freedoms to the majority of South Africans," Mrs Duncan says.



CT 10/7/81  
**Langa  
 trial: 206  
 Komani  
 finding  
 ignored**

Staff Reporter

COMMISSIONER Mr L van Wyk of the Langa Commission of Enquiry yesterday ignored findings of an Appeal Court judgment on the Komani case when he found a Nyanga woman guilty of illegally being in Cape Town.

He said that he would postpone sentence for a month to give the woman, Virginia Yapi and her husband time to apply again for permission since "things were changing in the world".

In a case last year, the Appeal Court upheld the appeal of Mr Veli Komani that his wife be considered qualified to remain in the prescribed area of Cape Town in terms of Section 10 (1)(c) of the Bantu Urban Areas Act 25 of 1945.

It also set aside the requirement in terms of Regulation 20 (1) that a lodger's permit be obtained before the person be granted permission to live in the urban area.

In finding Yapi guilty, Mr Van Wyk said Regulation 20 (1) still applied.

"The law has not been repealed in spite of the Appeal Court decision and the requirements still apply as far as this court is concerned," he said.

At yesterday's hearing, Mr Harry Dixon, appearing for Yapi on the instruction of the Athlone Advice Office, argued that she had fulfilled all the requirements of Section 10 (1)(c).

She was required to prove that she was the wife of a man who was qualified to be in the area in terms of 10 (1)(b), that she lawfully entered the area and that she ordinarily resided with her husband in the prescribed area.

Mr Dixon argued that the Komani findings now made it necessary only to consider whether the accused "ordinarily resides" with her husband in the prescribed area.

Both Yapi and her husband, Mr Gilbert Yapi, said when cross-examined yesterday that they both resided at D868 Nyanga East. They produced their marriage certificate to prove that they were married.

Mr Yapi, who has been lawfully in the area since 1956, resided at his work place during the week but considered

**A** From page 1

D868 as his home.

Over the years, Mr Yapi said he had applied for permission for his wife to remain with him, but this was refused. In spite of this she had stayed with him, he said. For three months last year she was granted a visitor's permit to be with him till November 1980.

Inspector J M Knudsen of the Western Cape Administration Board said in evidence that he had arrested her in Constantia on January 30, this year when she could produce only Transkei travel documents.

The court heard that Yapi was originally from Mount Frere in Transkei and had come to Cape Town in 1965 to join her husband.

The prosecutor, Mr J Fourie, argued that Yapi was guilty because both she and her husband knew that she had not been granted permission to be in the area.

Under cross-examination, both agreed that they had been aware of this. Mr Yapi said that he had been told that she would be given her rights should she produce a lodger's permit — a condition which Mr Dixon argued should no longer be upheld in view of the Komani findings.

"They told me it could take up to 20 years to get a house which would entitle her to a permit," he said.

The director of the Western Cape Administration Board, Mr G H Lawrence, produced a file on Mr Yapi which proved that he was entitled to be in the area and that he was known to reside at his place of work.

Under cross-examination, he conceded that there was no record of Mr Yapi being informed that he could only reside at his place of work.

Sentence will be passed on March 16.

● Authorities 'stalling', page 3

Sammy Sacks Memor.

J H Rens

Civil Engineering student in Land S  
 examinations to t  
 Awarded on result  
 Professor George

B F McClelland

J H Rens

D P Weeks

T J Cumming

P M Salmon

Fourth Year (S)

Miss N C Davie

Third Year (S)

Miss G C Little

Second Year (S)

of the 2nd, 3rd

For the best stu

Corporation Meda

FACULTY OF ENGINEERING

CHEI

# Transkei woman's appeal succeeds

Staff Reporter

A TRANSKEI WOMAN who came to Cape Town for hospital treatment and was fined for being in the area illegally yesterday appealed successfully in the Supreme Court against sentence.

Elsie Mntuyedwa 41 was fined R50 (or 50 days) in the Somerset West Magistrate's Court on April 15 last year for being in the Western Cape illegally.

Evidence was that she was referred to Grootte Schuur Hospital by her doctor in Cala and by the Umtata Hospital.

She applied in Stellenbosch for a permit to remain for three months to enable her to have medical treatment but this was refused. She remained in Cape Town to be treated at Grootte Schuur.

Convicted with her was her husband Optel Mntuyedwa 47 who was fined R50 (or 50 days) for assisting his wife to be in the area illegally. He also suc-

cessfully appealed against sentence.

Mr Justice Van Heerden with Mr Justice Williamson concurring reduced their sentences to a caution and discharge.

Mr Justice Van Heerden said the case was pre-eminently one in which the magistrate's approach should have been tempered with compassion rather than see the offences as being committed with contempt for the law.

In the Somerset West Magistrate's Court Mr E Potgieter, who appeared for the Mntuyedwas compared the case to that of Mrs Alice Kohlakala, whose husband was fined R50 (or 50 days) for harbouring her in 1979.

His sentence was overruled on appeal to the Supreme Court. Mrs Kohlakala also came to Cape Town for medical treatment.

Mr D Irish instructed by Mr Potgieter of Morkel and De Villiers appeared for the Mntuyedwas. Mr P Gamble appeared for the State.

CHEMICAL

**Corporation Medals**  
 For the best student in each  
 of the 2nd, 3rd and final years.  
Second Year (Bronze Medal)  
 Miss G C Littlewort  
Third Year (Silver Medal)  
 Miss N C Davidson  
Fourth Year (Gold Medal)  
 P M Salmon  
 T J Cumming  
 D P Weeks  
 J H Rens  
 B F McClelland  
**Professor George Menzies Prize**  
Awarded on results of final  
 examinations to the best male  
 student in Land Surveying or  
 Civil Engineering.  
 J H Rens



13/2/81  
**Woman  
 in City  
 illegally**

A WOMAN who has worked and lived in Cape Town for six years was found guilty of being in Cape Town illegally at the Langa Commissioner's Court yesterday

Judith Moletsane, 34, of Bridgebank, Brommersvlei Road, Constantia, was fined R60 (or 60 days) suspended on condition that she obtained the necessary permission to be in the area within 14 days or left the prescribed area of Cape Town

She pleaded guilty to contravening section 10(4) of the Black Urban Areas Consolidation Act

Counsel for the defence, Mr S Kessler, instructed by the Athlone Advice Office, argued in mitigation that she had come to Cape Town from an impoverished area in Transkei to find work to support her children and extended family in Lady Frere

He said that education costs were high and she sent R60 of the R71 she earned as a domestic in Constantia to her family. The money was used to educate her four children and her sister's two children

The prosecutor, Mr J Fourie, questioned Mr Kessler's statement that Lady Frere was an impoverished area. The statement amounted to hearsay, he said

He said that Miss Moletsane had been in the Cape for six years without doing anything about legalizing her stay and could have instituted action against the father of her children for maintenance. Mr L van Wyk was on the Bench

Medals

student in each  
 rd and final years.

(Bronze Medal)

ttlewort

(Silver Medal)

vidson

(Gold Medal)

Menzie's Prize

lts of final  
 the best male  
 Surveying or  
 ng.

Prize

tudent with the  
 n Engineering

CHEMICAL

A E & C I Prize

For the first year student  
 obtaining the highest average  
 mark.

G L Cragg

**OUT OF THE MOUTHS... LETTERS FROM CHILDREN**

WITH reference to "Midnight raid lands lawyer in court" (Sunday Times, February 1).

Mrs Mavis Ngoma was awakened at midnight on January 12 by five Port Natal Administration Board policemen. They demanded to see her pass, which was in order and allows her to live on Mr Andrew Cranko's property in Stanger.

Mrs Ngoma's baby of 16 months lives illegally on the property with her mother

Now Mr Cranko, a former lawyer, is to appear in Stanger Magistrate's court to answer to the charge of allowing an illegal resident (the 16-month-old baby) to stay on his property

The laws of this land state that any black child older than one year must be sent from white areas where the mother is employed to the mother's homeland

What kind of laws are these that separate mothers from their children at such an early age? — NICOLA REEVES, Standard 5, Welkom.

**The law**

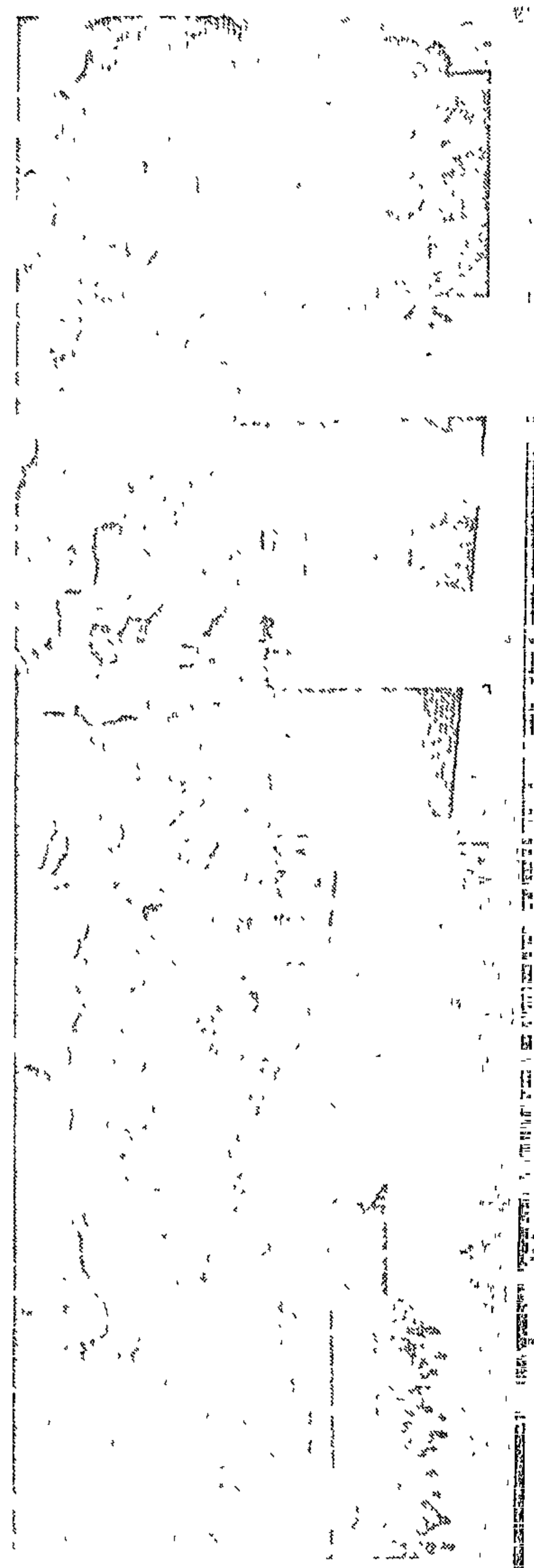
*S. Two (15/2/81) (206)*

**that kept**

**these two apart**

Mrs Ngoma and her baby... in a legal tangle



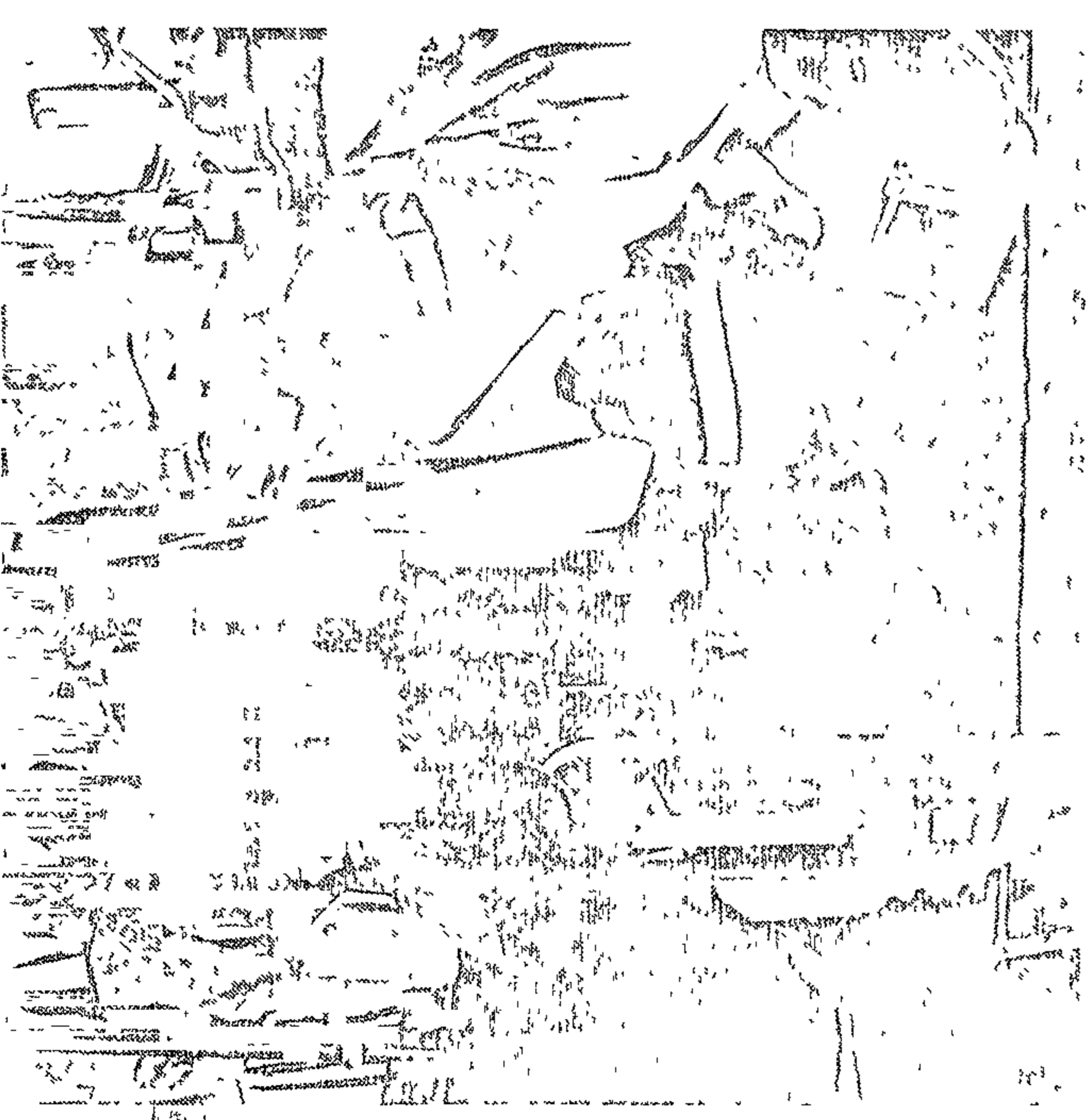


# Stranded Strikers Struggle for their rights

RDM  
13/2/81

~~888~~  
~~829~~  
~~827~~  
206

Former Johannesburg municipal workers involved in last year's strike, who are now stranded and penniless, may be the first people to challenge the authorities' refusal



206  
13/2/81





Mr Charles Nupen, of the Legal Resources Centre, said that presently most people who had worked for more than 10 years on yearly contracts were not qualifying for Section 10 emboliments but those who had been employed for more than 10 years before the yearly contract system was introduced, were qualifying

"Obviously this is a matter that will need to be clarified

○ Section 10 rights of former council workers who were legally endorsed on the strike in July were being cancelled apparently without reason and

○ Ungraded workers who operated on the one-year contract system, never progressed above the minimum wage -- R33 a week before deductions

Mrs Sheena Duncan, director of the Sash's advice or-

Several concerned organisations, believing that the Act is ambiguous, have been trying to secure a Supreme Court ruling on the issue

But each time, as court actions are about to be instituted, the Chief Commissioner for Co-operation and Development grants the individual his Section 10 rights -- which allows blacks permanent residence in urban areas, jobs and eventually housing

... that the migrant ... and ... health ... and to ... Mrs Duncan

Once striking workers had been dismissed, endorsed out and returned under police escort to the 'homelands', unions, at the 10 minutes contract with their members, lost their lives, she said

Attorneys for the Black Municipal Workers' Union -- which called the strike -- say the city council has not assisted former and present workers in obtaining Section 10 rights

The acting chief of the Municipal Staff Board would not comment on the matter, and referred the Rand Daily Mail to the chairman of the city council's management committee Mr Francois Oberholzer

Mr Oberholzer too, would not comment on the allegation

He said, however "As I read it, these people should be recruited in the homelands and they have no reason to

"It is obvious that there is confusion on the part of officials ... those who are seeking reinstatement

The management committee has done nothing to redress the grievances which were the source of the strike in July, and this is both ominous and cynical"

She added that the council had not applied for Section 10 rights for several of the workers who qualified for these rights while in its employment, which meant the workers were forced to use the call-in-card system subjecting them to influx control regulations

"They have to attest a new contract every year, and in this way remain permanently on the bottom rung of the scale with no pensions or other increments," Mrs Levine said

Mrs Duncan said a major problem facing the former council workers now was finding accommodation. They had expected to be re-employed and housed in compounds -- but were instead stranded and penniless

They are living 'illegally' in compounds or in the townships

"What we need now is a Supreme Court declaration of rights," Mrs Duncan said "But ever time a test case is formulated, the commissioner gives in, which mean the person concerned is granted Section 10 rights, but thousands of other cases do still not have a precedent

"It is vital to get as many people Section 10 rights before the new deal Bills' are passed, because with their introduction Section 10 vanishes and so a stop is put to any further urbanisation," she said

"The management committee has done nothing to redress the grievances which were the source of the strike in July, and this is both ominous and cynical"

206  
13/2/81

The currently accepted criteria for malnutrition consider 60% of the expected weight for age as a cut off point for severely malnourished children. Those between 50% and 80% (3rd percentile Boston standards) are underweight for age, whereas those below 60%, depending on their clinical condition, are either marasmic or marasmic-kwashiorkor.

Another method of obtaining a measurement of malnutrition is the Shaker strip which measures the mid-upper arm circumference. Even though it is somewhat conservative, it can be easily used by unskilled staff and is a valuable screening procedure as it will identify those that are overtly malnourished.

Measurement of nutritional status is available in South Africa in Table 1,

# Transkei Woman's R50 fine reduced to caution

A TRANSKEI woman who came to Cape Town for hospital treatment and was fined R50 (or 50 days) for being in the area illegally, successfully appealed this week in the Supreme Court against sentence.

Mrs Elsie Mntuyedwa, 41, was fined by a Somerset West magistrate on April 15 last year for being in the Western Cape illegally.

She was referred to Groote Schuur Hospital by a doctor in Cala and by the Umtata Hospital, the court heard.

She was refused a permit to remain in Cape Town for three months to enable her to have medical treatment.

## HUSBAND

Her husband, Mr Optel Mntuyedwa, 47, who was convicted with her, was also fined R50 (or 50 days) for assisting his wife to be in the area illegally.

He also successfully appealed against sentence. Their sentences were reduced to a caution and discharge by Mr Justice van Heerden, with Mr Justice Williamson concurring.

Mr Justice van Heerden said that the magistrate's approach should have been tempered with compassion, rather than viewing the offences as being committed with contempt for the law.

Mr D. Irish, instructed by Morke and De Villiers appeared for the Mntuyedwas. Mr. P. Gamble appeared for the State.

argued that despite the ineffectiveness of medical reforms, it is possible to raise communities' awareness and their ability to deal with health problems at the macro level, thus altering some of the economic and social factors causing ill health in advance of wider changes.

Information on all aspects of the health service system is available when it departs from the price system of the private economy and goes in for direct quantitative planning. Unfortunately, the collection of data can only be described as capricious. Very seldom are terms such as patient or attendance defined, with the result that data are not uniformly collected in various institutions or even within a given one. The adoption of a uniform system of data collection, which is analysable and analysed, is an urgent priority.

## 2. PLANNING THE HEALTH SYSTEM

### 2.1 Health Problems in Southern Africa

Some indication has been given of the type and scale of ill health in Southern Africa. This section deals with the analysis of the causes of ill health given by some of the authors. The dynamics of the problem of ill health are clearly relevant to any attempt to plan for its solution.

When people converge on a subject from different angles, there is seldom a common understanding of where problems lie. It was a reflection of the

interdisciplinary nature of this conference that, although there was a unifying concern over the need to make a greater impact on health without a vast expansion in resources devoted to health care, a difference of approaches was apparent.

Administrators tended to be concerned with the question of how to provide the existing type of medical services more efficiently, at lower cost, using techniques of cost-analysis and public administration. A large portion of the doctors and health workers present considered what type of health care to provide and what reforms were required to the existing health system to promote this. Both consider essentially the choice of adequate techniques for health care delivery; the administrators concerned with what economists would call technical efficiency and the medical reformers with efficiency as judged by epidemiological criteria. Economists, on the other hand, are concerned with an efficient allocation of resources.

Both Kirsch and Savage agree that morbidity and mortality are primarily determined in third world countries (and this includes most of Southern Africa) by the level of food, housing, employment, clean water, sanitation and other non-medical factors, and not by the structure of health services. Poverty tends to be a common factor in all of these. Kirsch shows that, as in most third world countries, health service structures in Southern Africa are not adapted to this state of affairs. He traces three resulting problems:

1. The structure of health services is not adapted to the state of affairs. He traces three resulting problems:



## Domestic

12/2/81  
fined for

illegal

residence

A WOMAN who has worked as a domestic in Constantia for the past six years to support her four children and her family in an 'impoverished area of Transkei' was found guilty today of being in the Cape illegally.

Judith Moletsane, 34, of Bridgebank, Brommersvlei Road, Constantia, was fined R60 or 60 days by the Langa Commissioner's Court. The sentence was suspended on condition she obtained the necessary permission to be in the area within 14 days or left the prescribed area of the Cape.

### GUILTY PLEA

Moletsane pleaded guilty to contravening Section 10 (4) of the Black Urban Areas Consolidation Act. Her defence attorney, Mr S Kesler, pleaded in mitigation that Moletsane had come to Cape Town from an impoverished area in Transkei to find work.

(Continued on Page 3, col 1)

(Continued from Page 1)

to support her children and her extended family.

He said that she had left Lady Fiere in 1974 where she was unable to find work. She earned R71 a month as a domestic of which she sent back R60 to Transkei each month.

The money was used to educate her four children and her sister's two children. She also supported her grandmother who suffered from heart trouble and her grandfather who was unable to work because of poor eyesight. Mr Kesler said education costs were high and Moletsane had been forced to come to the Cape to find work to feed her children.

The prosecutor, Mr J Fourie, submitted that Mr

## Domestic

Kesler's statement that Lady Fiere was an impoverished area was hearsay. He said she had been in the Cape for six years without doing anything about legalising her stay.

Mr Fourie said that the accused was not married but had four children and submitted that she could have instituted action against the father of the children for maintenance.

He submitted that the case was no different from any other case.

Moletsane's employer is due to appear in Retreat Magistrate's Court on February 25 to face the charge of employing her illegally.

Mr J van Wyk was on the bench.

# Authorities 'stalling' on residential rights

Oct. 19/2/81

206

A SPOKESMAN for the Athlone Advice Office in Cape Town said at the weekend that the authorities in the Cape Peninsula appeared to be slow in granting the rights implicit in the judgment of the Appeal Court in Bloemfontein last August which ended Mr Willie Komani's five year legal battle for the right to live with his wife in Cape Town.

The impression we get is that the authorities are stalling on this till the proposed legislation for urban blacks has been introduced she said.

The Appeal Court judgment in effect declared *ultra vires* a regulation in terms of which certain permits were required for people living in black residential areas.

The Minister of Co-operation and Development Dr Piet Koornhof said afterwards that the judgment did not mean that there would be a large-scale influx of wives and children to

urban areas.

Meanwhile, little has changed for Mrs Nonceba Komani who was in terms of the Appeal Court ruling, granted the right to stay in Cape Town.

Mrs Komani said in Guguletu yesterday that the only thing that had changed was that she no longer lived in fear of being arrested for being in the Peninsula.

No house had been allocated to the family and they were still staying in a one room make-shift house in the township. And Mrs Komani still has no job.

Mrs Komani's husband lodged an appeal with the Appellate Division after Mr Justice P Schock of the Cape Supreme Court had dismissed Mr Komani's claim in November 1978 against the Peninsula Bantu Affairs Administration Board ruling that his wife did not have the right to live in a black residential area where her husband resided.

CHEMICAL

Sammy Sacks Memorial Prize  
Awarded to the student with the best classwork in Engineering

J H Rens

Professor George Menzies Prize  
Awarded on results of final examinations to the best male student in Land Surveying or Civil Engineering.

P M Salmon  
T J Cumming  
D P Weeks  
J H Rens  
B F McClelland

Fourth Year (Gold Medal)

Miss N C Davidson

Third Year (Silver Medal)

Miss G C Littlewort

Second Year (Bronze Medal)

Corporation Medals  
For the best student in each of the 2nd, 3rd and final years.



# Pass laws a key to dangerously overcrowded cells

S. Express  
2/8/79

206

A TOP Afrikaner constitutional expert has called for a drastic revision of pass laws and labour regulations governing Blacks

He has also warned that, unless these restrictions are scrapped or applied on a sociological rather than political basis, the overcrowding and appalling conditions in South African prisons could become a national crisis.

Professor Marinus Wiechers, head of the Constitutional Law Faculty at the University of South Africa, was commenting on the shock figures released to the Hoexter Commission this week by the chief deputy Commissioner of Prisons, Lieutenant-General M C P Brink, who said South Africa's daily prison population had rocketed to 102 000 against available accommodation for 70 606

General Brink warned that extraordinary efforts would have to be made to reduce the number of prisoners. The accommodation shortage, he said, had been apparent for 39 years.

White prisoners needed 40% more cells than were now available and Blacks 50%.

By the year 2000 South Africa would have a projected prison population of 170 000 and already the Prisons Department was understaffed by 10 000 people whom, if recruited, would cost another R49-million a year in salaries.

By KITT KATZIN

He said there were large numbers of people detained in police cells. Unsentenced prisoners had to be accommodated, and many accused able to pay bail did not do so because court offices closed early.

A large number of cases involving influx control could be easily expedited.

Commenting on the figures and the reasons for the growing prison population, Professor Wiechers, regarded as one of South Africa's foremost constitutional lawyers, said that it was not generally known that 306 000 Blacks were arrested annually for offences under influx laws

And in 1978/1979, 89 000 of these people — comprising 33% of the country's total prison population — were jailed

"The moral of this sad story," said Professor Wiechers, "is quite simple. you cannot regulate socio-economic matters by making them crimes."

Referring to the political ideology in South Africa which led to the creation of these laws — the question of the so-called nonpermanence of Blacks in White areas — Professor Wiechers said that the sociological aspirations and commitments of Africans and Coloureds could no longer be governed by regulations which

belonged to the statute books of conventional law and order.

It was because of the way these regulations were applied, that over 300 000 Blacks were arrested every year for offences under influx control regulations

What was required, said Professor Wiechers, was a total review of the entire pass law system, labour regulations, and amendments to the Group Areas Act which merely disrupted the growth of sound socio-economic societies.

If these laws were not scrapped, they could be regulated in different ways as a means of eliminating the present basic ideology of setting aside unilateral living areas for people.

By allowing Blacks to become involved in joint decision-making at all levels of their socio-economic development, the Government's political philosophy would be automatically challenged. That could be only to the benefit of a more stable and secure socio-economic structure for all racial groups.

Talking about ways and means of reducing the prison population, Professor Wiechers called for the creation of relief and aid centres for people awaiting trial, a simplified system of granting bail, the creation of night courts, a more extensive parole system and social welfare services.

By JOHN BATTERSBY

THE Leader of the Opposition, Dr Fredrik van Zyl Slabbert, is the man Mr P W Botha will not face in public debate on South Africa's TV network.

And this week Dr Slabbert demonstrated why — by spelling out to the Sunday Express the issues that the Prime Minister does not want debated.

Dr Slabbert told the Sunday Express that in such a debate Mr Botha would be lured out from behind a plethora of commissions and committees and vague concepts like constellations, total onslaughts and the 12-point plan and be challenged to spell out his real vision for South Africa

# This is why P.W. won't face Slabbert on TV

Here are the things that Dr Slabbert believes the Prime Minister does not want to hear

- That his lip-service to free enterprise is a dangerous sham and that he must come out into the open and state whether he stands for free enterprise or separate development

- That he must spell out what he means by hurtful discrimination

and honour his commitment to get on and remove it instead of hiding behind an endless series of commissions and committees

- That he must stop harping on the total onslaught from outside in an attempt to conceal the real onslaught which is from within the country's borders

- That he must unravel the whole constellation of States

enigma and explain to the electorate whether it is a political or economic concept

- That he must get on and make overdue changes instead of hiding behind the President's Council — the credibility of which he has, in any case, finally destroyed by the admission that he would not listen to a recommendation from it to include Blacks on the President's Council.

S. Express

8/2/81

206



MOSES X has been in jail at least 20 times in his 33 years. So many times, in fact, that "can't remember all the occasions."

In the normal, Western sense of the word he's not a criminal.

He has never been convicted of murder, robbery, petty theft, insolvency, causing damage to property.

He is a statistic of the Pass Laws, the laws of 'pass and migration. Therefore, in South Africa, in legal eyes, he's a criminal.

"No, I can't remember how many times I've added up how long I have been in jail."

"I think it would be more than two years."

"No, I don't like jail, but I'm used to it."

Moses is an engaging person bricklayer, painter, plasterer, tiler, roof mender, brick patio milder — just one of those astonishing handymen who seem able to fix impossible things round the house.

I have known Moses for some time. Before jail, before jail and those good times in between.

His jail sentences have cost him thousands of rands in lost earnings. His problem is that he comes from Lichtenburg. There was no work here when he first got caught in 1964 for working legally in Johannesburg.

And in later times, when the building industry in South Africa improved the wages were immensely higher here than in his home town.

He thought he was going to make his fortune in Johannesburg and to hell with the consequences. But as Moses, said "I don't know if I would do it again. I was very young then. Every time I went to prison I thought it would be the last time kept on thinking my papers would be okay."

I tried to piece together his jail story, but it's impossible to recreate with accuracy.

There have been so many occasions, and his release was stolen about three years ago which contained all his papers including his jail card.

He laughed frequently as he tried to arrange the saga into some sort of order.

1982 The 15-year-old youth fails to pay 10c for a day's board at a Lichtenburg hostel. He is 'rested' tried and sentenced to 14 days in prison for his good behaviour is rewarded with five days' remission.

1964 Moses arrives in Johannesburg and gets caught living and working illegally in the city. As a first offender he only catches 14 days, and earns five days' remission.

1965 20 days, with eight days' remission.

1965 — 1977 At least 16 other offences. He can't remember the dates, but does recall many of the sentences. They were mostly for pass offences. Some were for trespassing — like being caught in his girlfriend's quarters.

20 days, 10 days' remission.

Two months awaiting trial for a pass offence.

60 days, 15 days' remission.

90 days, 20 days' remission.

These last two sentences were imposed so frequently he couldn't remember how many (times).

Moses says "Modderbee is much better than the Fort."

Modderbee is the prison Moses nows best. He tells me it's lean and the warders are 'reasonable'.

He doesn't claim to be an anarchist. He told me that in his early

# The

# stories

S. Expend  
2/2/81  
206

# Moses

## PETA THORNYCROFT REVEALS THE HUMAN TRUTH BEHIND THE CROWDED JAILS

twenties he got amazingly drunk and beat up his girlfriend. She reported him and he was found guilty of assault. A R70 fine followed (or 70 days) suspended for nine years.

The one word Moses uses in the quite impressive vocabulary of legal jargon is "remand". His humour loses its edge when he talks about remand.

"Remand is the same as jail. I

have spent much time in prison on remand. It wastes time. I always wanted to go to court, he found guilty, and get on with serving my sentence so I could get back to work."

It took him 14 years to get that magic card which now allows him to work in Johannesburg.

His last brush with the law was on a Friday afternoon last October.

He had been drinking heavily after a hard week and was making a noise on his employer's property.

The neighbours complained to the police, who arrived and carted him off to prison. He was

charged with trespass.

He couldn't persuade the police that he was legally allowed to be where he was. He spent Friday night in jail, and on Saturday his employer brought his documents to prison.

Moses was released at mid-day after he had paid R20 bail.

On Monday morning he went to court to recover the money. "Because I was legal and right this time, but they didn't call me. I went back on Tuesday, and I asked why they hadn't called me. They didn't give me a reason. But there were too many people in court. In the afternoon I got my money back.

"I lost two days' pay because of that. I was cross."

No doubt he was cross. Moses calculates his earnings today at between R30 and R50 a day.

But there isn't a trace of bitterness in this man who has renovated numerous homes in Orange Grove where he lives.

All the people he has worked for are fond of him. They had until he became legal become used to his frequent disappearances to jail, but were powerless to help. It was also frustrating for them when midway through demolishing a wall for example Moses would be carted off to jail and the debris of interrupted ren-

ovation remained littering their property.

But they waited because unskilled workmen like him are rare and because they liked him.

They lived in a state of intermittent frustration because there were no loopholes in the system. Even if his employers considered the laws unjust there were no strings to be pulled to evade them.

One was fined heavily because Moses was working on his property without correct papers.

There may be some inaccuracies in this story but

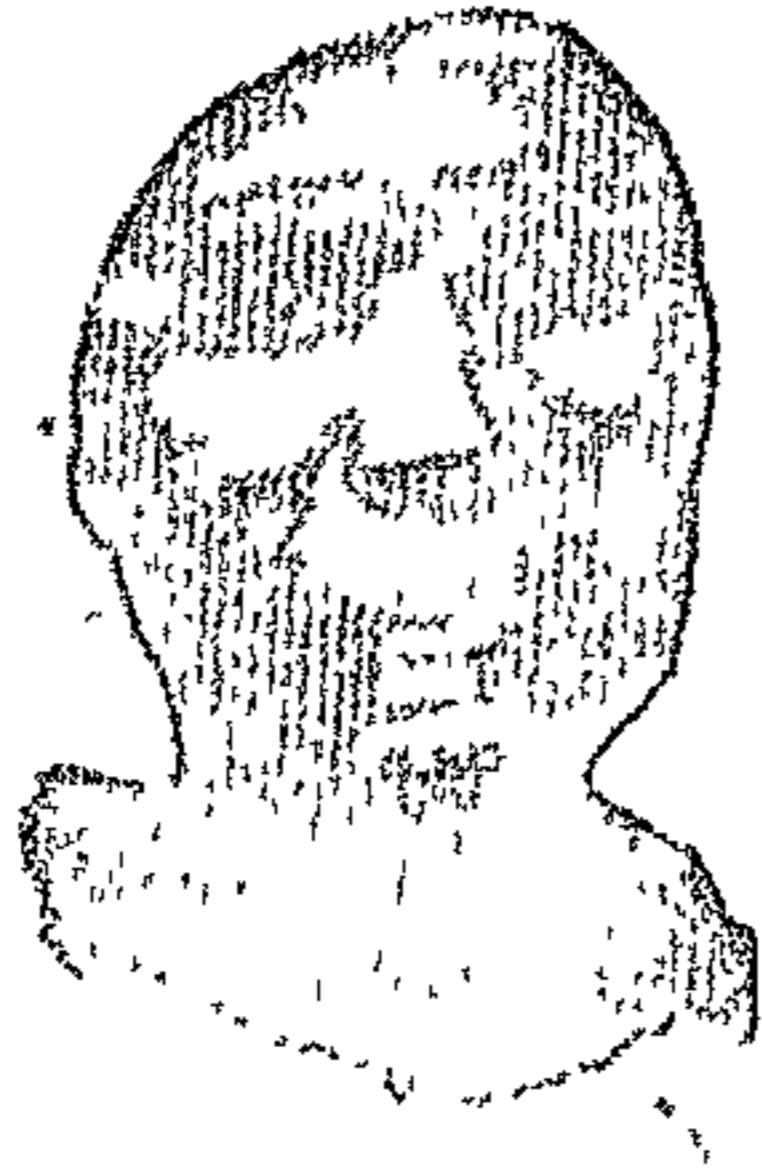
Moses has been in jail more than 20 times since he was 15 and has been forced to squander at least two years of his life in prison.

He says he felt no frustration. Sometimes he used to go on weekend benders and be contrition personified on Monday mornings. Since he became legal he says he has been more stable and now has savings.

His crimes were that he chose to opt for the free enterprise system in South Africa and sought the most profitable work

1 m





HARRIET MTYINGIZANE  
Temporary permit

# Woman fights to stay in birthplace

Tues  
15/2/81

206

By MIKE VAN NICKERK

A BLACK mother of four was yesterday granted a court order - to stop her being kicked out of the town she was born in

At an urgent hearing in the lounge of his Cape Town home, Mr Justice P W Baker granted an application allowing the woman to stay in her hometown, Stellenbosch, until her case is heard in the Cape Supreme Court next month

Mrs Harriet Mtyingizane, 34, who has lived all her life in Stellenbosch, has been fighting to stay in the picturesque university town for the past 10 years

Her battle seemed lost on Wednesday last week when the Western Cape Administration Board gave her four days to leave the area and go to Transkei

While she stood by helplessly with her husband, Tuza, their two-bedroom house in which they have lived since their marriage in 1964, was demolished - despite the fact that Mr Mtyingizane was a still a legal resident of the area

At yesterday's hearing, papers before the court outlined the history of Mrs Mtyingizane's problems

In 1970 she went to Transkei with her labourer husband for a six-month stay with his parents. On their return her passport was cancelled and she was ordered to return to Transkei

Apart from her husband's family, whom she had never met before her visit, Mrs

Mtyingizane knew no-one in Transkei

She failed to obey the order to leave and over the next few years she received several fines for being in the area illegally

In 1978 she went to the administration board to try to sort out the confusion over her residence in Stellenbosch. She was given a temporary permit to remain in the area but this was revoked some months later

She continued to stay with her husband and children, living under the constant fear of expulsion

Then, last year, her problem was taken up by the Athlone Advice Office, a voluntary organisation which assists blacks with reference book problems

It was unsuccessful and soon afterwards Mrs Mtyingizane was arrested and appeared before a Stellenbosch magistrate for being in the area illegally

She was found not guilty. Her attorney attempted several times to get her reference book endorsed to show she was in fact legally in the area, but was met each time with no response by the administration board

She was instead issued with a temporary permit

Last Wednesday Tuza Mtyingizane was summoned urgently from his work. He returned home to find his house about to be demolished and his wife in tears

Despite Mr Mtyingizane's pleas for a few days reprieve to move his things, the demolition was carried out and his wife was then given four days to leave the Western Cape and return to Transkei

Yesterday the court granted a rule nisi allowing Mrs Mtyingizane to temporarily remain in the area and directed the administration board to show cause on March 18 why it should not endorse her reference book to permanently allow her to stay, restore her house and pay costs



# Wife fights to live with family

CT 16/2/81 (206)  
Staff Reporter

A STELLENBOSCH woman took legal action against the Western Cape Administration Board on Saturday to enable her to stay in the town in which she was born.

Yesterday Mrs Harriet Mtyingizane, 34, a mother of four, was staying with friends after her house had been demolished by the board. Last week she was given four days to leave the area and go to Transkei.

After hearing an urgent application at his home on Saturday, Mr Justice Baker ruled that she be allowed to stay in Stellenbosch until March 18, by which time the board had to show cause why it should not endorse her reference book to allow her to stay permanently, restore the house and pay the costs.

According to papers before Mr Justice Baker, Mrs Mtyingizane — who has lived in Stellenbosch all her life — has been fighting for the past 10 years to stay in her home-town.

Last week the administration board gave her four days to leave the area and go to Transkei.

Her house was demolished in spite of the fact that her husband, Mr Tuza Mtyingizane, was still a legal resident of the area.

According to the papers, she

went to Transkei in 1970 with her husband for a six-month stay with his parents. On her return, her reference book was cancelled and she was ordered to return to Transkei.

It was said Mrs Mtyingizane knew no-one in Transkei except her husband's family. She did not obey the order and during the next few years she was fined several times for being in the area illegally.

In 1978 she went to the administration board to try to sort out the confusion about her residence in Stellenbosch. She was given a temporary permit which was revoked a few months later.

She continued to live with her husband and four children while constantly fearing expulsion.

Last year her case was taken up by the Black Sash. Legal action was unsuccessful. Soon after she was arrested and appeared before a Stellenbosch magistrate for being in the area illegally.

She was found not guilty.

Her attorney tried several times unsuccessfully to get her reference book endorsed to show that she was in fact in the area legally. She was issued with a temporary permit.

Mrs Mtyingizane was represented by Mr David Knight and Mr Nigel Willis, instructed by Hilton Gischen of Mallinck, Ress, Richman and Cloenberg.

UJET

66 64 62 60 58 56 54 52 50 48 46 44 42 40 38 36 34 32 30 28 26 24 22 20 18 16 14 12 10 8 6

# NOT SO SIMPLE

TUESDAY, FEBRUARY 17, 1981

## NOT SO SIMPLE

THE pass laws have for so long been one of the most visible and humiliating instruments of apartheid that one can readily understand the desire of blacks to get rid of every vestige of the hated system

Thus as the Minister of Co-operation and Development, Dr Piet Koornhof, goes back to the drawing board to review his three draft Bills dealing with black mobility, the advice to him from Chief Gatsha Buthelezi is that he should withdraw influx control measures entirely

Dr Koornhof has, equally understandably, indicated that the Government is not prepared simply to scrap influx control, though it is committed to removing 'hurtful discrimination' and relaxing controls in line with the recommendations of the Riekert Commission

It is apparent that if the matter is not to remain deadlocked at this level there is an obligation on all concerned to give serious consideration to the social and economic as well as the political implications of influx control, both in the short term and the long term

That these three aspects of the problem are inseparable has already been implied by Chief Buthelezi, who said recently that the greatest threat to the security of South Africa was going to come from 'the vast throngs of unemployed and disowned' living in squatter areas outside the cities. A similar warning has been voiced by

the Urban Foundation, which has urged that the only effective means of control is a rapid programme of rural development that would induce people to remain in the rural areas

It must be remembered that the whole pass-law system as it has developed over many years is not the problem itself, but an attempt to deal with an underlying problem of haphazard and uncontrolled urban growth that is today assuming runaway proportions in many parts of the world, particularly the developing countries

The assumption that urban living is the answer to population growth in under-developed regions is being increasingly questioned. Sound agricultural investment, which has been singularly lacking in most developing countries, brings returns as much as three times higher than costly investment in other sectors of the economy, according to a recent Worldwatch Institute report. Uncontrolled urban conglomeration are already showing signs of breakdown, with the poor in the towns having less to eat than their impoverished country cousins

Laws alone will not halt the drift from the country to the towns, but those who are genuinely seeking solutions that are socially responsible as well as politically acceptable must acknowledge the complexity of the problem and realise that a sudden abolition of all forms of influx control is more likely to aggravate it than solve it.

228  
107  
115  
206



*Hand 4* Komani case  
*Call 150 18/2/81*  
\*5 Mrs H SUZMAN asked the Minister  
of Co-operation and Development

Whether steps were taken by his Department to draw the attention of commissioners and other officials concerned to the ruling of the Appellate Division in the Komani case on the validity of Regulation 20(1) under the Blacks (Urban Areas) Consolidation Act, if so, what steps, if not, why not?

The DEPUTY MINISTER OF CO-OPERATION

Yes, by means of a Circular Minute to all Chief Commissioners and Administration Boards on 26 August 1980







FACULTY OF ENGINEERING

Corporation Medals  
For the best student in each of the 2nd, 3rd and final years.

Second Year (Bronze Medal)

Miss G C Littlewort

Third Year (Silver Medal)

Miss N C Davidson

Fourth Year (Gold Medal)

P M Salmon

T J Cumming

D P Weeks

J H Rens

B F McClelland

Professor George Menzies Prize  
Awarded on results of final examinations to the best male student in Land Surveying or Civil Engineering.

J H Rens

Sammy Sacks Memorial Prize

Awarded to the student with the best classwork in Engineering Drawing.

L Menegaldo

A E & C I Prize

For the first year student obtaining the highest average mark.

G L Cragg

Amus 18/2/81  
Influx  
laws  
'no help'

Angus Correspondent

DURBAN — Any attempt to 'doctor' influx control to fix to make it more palatable to blacks would only serve to discredit the Minister of Cooperation and Development Di Piet Koornhof, the Inkatha president, Chief Gatsha Buthelezi, said at the weekend.

Addressing the movement's inner council at Uthuli, he said black people appreciated that Di Koornhof had his heart in the right place but we know he is not the leader of the National Party or the Prime Minister of South Africa.

The Minister deserved encouragement for being man enough to withdraw the three Bills dealing with the control of blacks because of strong opposition from black people.

Both the former Prime Minister Mr John Vorster and Di Koornhof had made it clear that they were not prepared to scrap influx control.

CRFIDIBILITY

"I feel that any 'doctoring' influx control by an attempt to make it more palatable to blacks can only discredit Di Koornhof's integrity and whatever credibility he has among black people.

'Any efforts to 'improve' influx control by making it more effective is much worse than retaining influx control measures as they stand'.

Chief Buthelezi said he believed that once people had been mobilised, it was necessary to motivate them to do practical things in order to engender a spirit of self-reliance.

STRATEGY

'We have never hidden our strategy that when we think we have reached the optimum level of mobilisation, we have to think seriously about mass action.

He appealed to Inkatha members to make greater personal sacrifices for the movement.

'Sacrifice is meaningful to a deprived people only when they are prepared to sacrifice until it really hurts'.



# Who says there's any change?

'WE have appealed to the public and do so again, to visit the Langa Court. It is ironic that many overseas visitors go there but few South Africans. We must know the inhumanity of our laws and see them in operation, ultimately we will be responsible. It is essential that we are all aware of the daily disruption of many lives under influx laws on people, not ciphers, or numbers, or files, people who have the same aspirations as ourselves, middle class aspirations, the basis of a stable society' (Athlone Advice Office, Annual Report)

MRS Evelyn Mphahlele is a fixture at the Langa courts. Every morning she wheels her trolley to a sunny corner outside the court where, with the aid of a tattered Coca-Cola umbrella and a transistor radio, she sets up stall.

For the past 20 years, the jovially fat Mrs Mphahlele has been selling fruit, vegetables and an assortment of home-made delicacies to the hundreds of people who flock to the courts to face pass and related offences every month.

'What goes on in there,' says Mrs Mphahlele, throwing her thumb over her left shoulder, 'it's heart-break,' true, it's heart-break.'

Inside one of the two court rooms at the Langa Commissioner Court, a thin, shabbily-dressed woman, hugging a blue jersey to her despite the stifling heat, shuffles to the dock. She is charged with being unlawfully in the area and with not having her documents on her person when arrested.

The first charge, under Section 10(4) of the Urban Areas Consolidation Act 25 of 1945 carries a fine of R60 or 60 days for a first offence. The

She is charged with being unlawfully in the area and not having her documents on her person when arrested.

August 19/2/81

206



second, under Section 15(1) of the Natives Abolition of passes and Coordination of Documents Act 25 of 1952, a fine of R10 or 10 days. The majority of people appearing in the court face one or both of these charges.

She speaks slowly, her eyes downcast. Through an interpreter she tells the Magistrate, Mr L van Wyk, a tired-looking man who has long since ceased to react to the inhumanity of the laws he daily deals with, that she arrived in Cape Town from the Transkei last Sunday.

She wanted to visit her husband. She has seen him now and will be leaving for home the next day.

Her travel documents were in Guguletu when she was picked up this morning, she says in response to the second charge.

Caution and discharge on the first count. But you'd better stick to your intentions and get out of the area as quickly as possible, says the magistrate.

On the second count she is charged R10 or 10 days.

The Langa Commissioner Court is a depressing place. Men and women — often with babes in arms — are herded in and out at an average of 32 a day. Few are legally represented and even fewer appear to understand court procedure.

Although it is difficult to obtain accurate figures, a survey conducted on November 12 last year by a volunteer worker for the Athlone Advice Office, showed that R2 685 worth of fines were handed out in one day. Many people, particularly women, cannot afford the fines and go to prison instead.

According to the Institute of Criminology at the University of Cape Town, the daily prison population in June 1979 was around 362 per 100 000 of the black population. It estimates that almost half of those sentenced during

that period went to prison because of infringements of influx control laws.

The number of men tried in the Langa court in 1979 was 3 614. The number of women, 4 365, of whom 2 970 were convicted. Figures tabled in Parliament have revealed that in the same year the Administration Board (Western Cape) earned R351 028 from influx control and identity document offences.

The traffic continues.

A 17-year-old girl, who says she came to Cape Town for medical treatment and is staying with

her husband at the single quarters in Langa, gets R50 or 50 days.

A 23-year-old girl who says she arrived to stay in Crossroads in 1980 gets R60 or 60 days and R10 or 10 days for not having her documents on her when she was arrested.

A 28-year-old woman, who says she has been in the Peninsula for 12 years and has never had a pass gets R60 or 60 days and R15 or 15 days for failing to get documents.

The incessant cry of a baby in the cells with its awaiting-trial mother is heard in the court room. It is unnerving. Mr van Wyk leans over to the portly prosecutor, Mr J J Fourie, and instructs him to call the woman's case immediately.

She comes into the court with her newly-born baby wrapped in a blue blanket. With quiet resignation, her face devoid of any emotion, she says she was picked up at the Nyanga bus stop this morning on her way to Groote Schuur Hospital. She arrived in Cape Town from the Transkei last Friday. Her husband is a migrant worker. She has been staying with him in the single quarters in Langa.

Why did she come to Cape Town, the magistrate asks. To fetch money from her husband and to receive medical treatment for the baby. Why did she not take the baby to the hospital in Umtata. She stares at the magistrate for a long time before answering.

Finally she receives a suspended sentence of R30 or 30 days on the first count — provided she leaves the area immediately. On the second count she is sentenced R10 or 10 days.

She leaves the dock and returns to the cells. At around 2.30 in the afternoon, she and her baby will be taken to Pollsmoor Prison with all the others who cannot afford to pay the fine.

Her baby again begins to cry.

For those interested in visiting the Langa Commissioner Court, take Settler's Way, pass the Athlone Power Station and take the first turning into Langa, to the left of the freeway. The court is the first white building on the left as you drive into the township. No permit is needed.

DERRYN DEAVIN



206 (227) STAR  
**Influx control is  
'stumbling block'**

19/12/81

By Tom Duff  
Political Reporter

Influx control is going to be an extremely difficult issue to resolve, says community council leader, Mr Mpiyakhe Kumalo, who is one of two black members of a committee that is reviewing legislation affecting urban blacks.

The Minister of Co-operation and Development, Dr Koornhof, has announced the names of men who will serve on a technical committee which will review three controversial Bills which were recently withdrawn for further study.

**COMMITTEE**

The Committee will be chaired by Mr Justice E M Grosskopf and its members include Mr Hennie van der Walt MP, chairman of the Commission for Co-operation and Development, Manpower Commission chairman

Professor Nic Wiehahn, Mr Kumalo, lecturer in African languages at the University of the Witwatersrand, and chairman of the Khatlehong Community Council and the East Rand Community Council liaison committee and Mr Ben Mokgatle, education and training manager of a large company.

Mr Kumalo said today that for the first time blacks were being drawn into the process of drafting legislation.

The three Bills had been widely criticised. One of the most controversial aspects was the new, tougher form of influx control for which they provided.

The Bills are to be reviewed with the purpose of bringing them in line with the recommendations of the Rieker report and the Government White Paper on the report, while also taking note of the comments made on the Bills by various organisations.

(15-C.T.) involves adding  
numbers to the ~~number~~  
parents with multiple  
sion of each parent  
in a clinic or mobile unit.  
posed to hospitalisation

### 3. METHODS OF HEALTH CARE FINANCE

The percentage of GNP is a common rough measure of the resource share devoted to health care. The figures in the table following are cited more by way of illustration than for purposes of comparison. There are the endemic problems of comparability in definition, relative prices, coverage, and the costing basis which are ignored here. The highest shares, not unexpectedly, relate to the richest countries so that there appears to be a positive association with income level. Further discussion of the relationship will be found in other contributions to this conference, notably that by McGrath (1978).

Health care delivery systems can be categorised in a multitude of ways - public and private, curative and preventative, central, intermediate and local - but given the theme of this paper, a division by mode of finance is the most useful. This five-fold classification is necessary for distinguishing one system from another.

(i) Private medical practice on a fee-for-service basis. The patient chooses the provider freely and the provider is personally placed upon personal and curative relief. Price is established and paid by the patient. A further feature is the relatively unregulated relationship between the provider and the patient. Price is established and paid by the patient. A further feature is the relatively unregulated relationship between the provider and the patient.

(ii) Voluntary health insurance is essentially a form of risk pooling aimed at the reduction of uncertainty and thereby the mitigation of economic loss stemming from an untoward event. Its method is to shift risks by "transfers of income from the present to hazardous states in the future" (Nordquist & Wu 1976: 57). Financing takes a range of forms with variation in the breakdown of service price paid to provider as between recipient (co-payments and deductibles) and third party, i.e. the medical aid society rather than insurance company in South African terminology.

The private health insurance movement was initiated institutionally in 1929 with the foundation in Texas of the first Blue Cross plan and later Blue Shield, although the basic idea is probably much earlier in origin. Real growth occurred after World War II in the United States and other high income countries (Klarman 1977: 220). Considerable impetus was given, it is said "by the threat of President Truman's proposal for compulsory

national health insurance", and by the early seventies about 80 per cent of the American population had some form of private insurance but with differing degrees of protection (Somers 1973: 127). The institutional form can be by individual or group subscription. In the latter instance decisions to join a plan might be less voluntary than job related and therefore compulsory where membership is a fringe benefit supported by employer contributions. In 1970, 88 per cent of the full-time employed had private health insurance coverage but only 27 per cent of the unemployed in the United States (Davis 1976: 63).

One more significant feature of health insurance is that it is subsidised implicitly by the state in the form of contributions being deductible expenses for employers under company or corporation tax law in the way that wages and perquisites are. Similarly, the beneficiary's premiums are abated under the individual tax provisions. This appears universal

Commentators, particularly in the United States, have noted the

problematic nature of the "availability effect", namely that "under conditions of prepayment the physician's prescription and the patient's use of services are greatly influenced by the existing supply of facilities and manpower" (Klarman 1977: 227). The institutional form heralded in recent years as in potential meeting the need for cost control, efficient utilisation and a greater admixture of preventative practice is the health maintenance organisation (HMO).<sup>2</sup> It is claimed, for specific HMOs, like Kaiser Program in California, that their subscriber utilisation rates of physician services are the same but with lower hospital use and lower cash outlays than other forms of insurance.

Reformers in favour of market solutions have hailed these arrangements as positive and innovative. They argue that HMOs will foster price competition amongst themselves and other medical care delivery systems; that

Drop in  
pass law  
cases

Political Staff

HOUSE OF ASSEMBLY  
The number of police investigations into pass law offences has dropped by almost 50 percent

The decline in investigations was from 295 650 to 184 675 for curfew regulations, the registration and production of documents and infringements under the Blacks (Urban Areas) Consolidation Act

The Minister of Police, Mr Louis le Grange, said yesterday that between July 1, 1979 and June 30, 1980 the police investigated 13 285 infringements under the curfew regulations, 60 872 under the laws relating to the registration and production of documents and 77 559 under the Blacks (urban areas) Consolidation Act

Mr Le Grange disclosed the figures for the 1979-80 year when he replied to a question by Mrs Helen Suzman (PFP, Houghton), who said afterwards that the figures were "still too high".

"However, I am very glad to see that the police seem to be devoting more time to investigating serious crime rather than statutory offences such as the pass laws. This is what the figures seem to imply," said Mrs Suzman

However, Mr Le Grange said that the police had investigated 32 949 infringements for illegal possession of sorghum beer and brews during the 1979-80 year - an increase of 8 482 on the previous year

Mrs Suzman said she was concerned about this increase, but added that "the legalization of shebeens would reduce police activity"

She said that the real test in the pass law investigations "will be in the number of arrests and prosecutions under statutory infringements which I have asked for but I have not got the replies yet"

200



Reference books influx control

299 Mr H. E. J. VAN RENSBURG  
asked the Minister of Police

How many Black (a) males and (b) females were arrested for offences relating to reference books and influx control in (i) Randburg (ii) Sandton and (iii) the northern suburbs of Johannesburg in 1970?

The MINISTER OF POLICE

(i) (ii) and (iii) Statistics in respect of suburbs are not kept. The following is a reflection of the number of arrests in connection with reference books and influx control carried out by the police attached to the Police Stations serving the northern suburbs.

	(a)	(b)
Randburg	2 750	1 187
Hillbrow	3 430	1 045
Parkview	2 756	92
Lombard East	180	62
Norwood	513	50
Bramley	77	—
Alexandra	608	167
Fairlands	898	197

For written reply

Reference books/influx control

1981 Mrs H SUZMAN asked the Minister of Police

- (1) How many Black (a) males and (b) females were arrested for offence relating to reference books and influx control in each of the main urban areas of the Republic in 1980.
- (2) what was the total number of such arrests in the Republic in that year?

The MINISTER OF POLICE

(1)	(a)	(b)
Pretoria	13 273	848
Johannesburg	29 601	6 568
Soweto	142	37
Durban	2 592	320
Pietermaritzburg	12	—
East London	394	240
Port Elizabeth	111	—
Cape Peninsula	318	149
Bloemfontein	1 551	989
West Rand	2 935	957
East Rand	4 648	1 164
(2)	66 397	14 653

FEBRUARY 1981

230

These figures only represent the number of persons arrested by the South African Police

206



Komani case  
11/10/80 5 (1) 2/18  
10 Mrs H SUZMAN asked the Minister of Co-operation and Development  
25/12/80

206

- (1) What was the content of the circular minute of 26 August 1980 to all Chief Commissioners and Administration

219

WEDNESDAY 25

Boards drawing attention to the ruling of the Appellate Division in the Komani case

- (2) whether any directives contained in the circular minute have not been complied with if so, what steps have been or are to be taken to ensure such compliance

†The DEPUTY MINISTER OF CO-OPERATION

- (1) In the circular minute of 26 August 1980 all Chief Commissioners were informed of the contents of the press statement made by me on 22 August 1980, and were advised that Regulation 20(1) of Chapter 2 of Government Notice R 1036 of 1968 was declared *ultra vires* by the ruling and that it would serve no purpose to promulgate any further fees payable in respect of lodgers permits. The Chief Commissioners were requested to inform the Administration Boards accordingly.
- (2) Within the short time available it was not possible to ascertain the required detail needed for a reply

Reference books and control

85 Mrs H SUZMAN is of the Minister of Co-operation and Development

- (1) How many Black (a) males and (b) females were arrested for offences relating to reference books and influx control in each of the main urban areas of the Republic in 1980

249

THURSDAY 26

- (2) what was the total number of such arrests in the Republic in that year

The MINISTER OF CO-OPERATION AND DEVELOPMENT

(1)	(a) Males	(b) Females
Pretoria	174	30
Johannesburg	1 016	457
Soweto	23	1
Durban	2 874	1 465
Pietermaritzburg	—	—
East London	18	15
Port Elizabeth	29	65
Cape Peninsula	7 747	8 113
Bloemfontein	1 419	405
West Rand	5 660	3 178
East Rand	6 196	3 065

- (2) 77 305

The above figures do not include arrests made by the South African Police



# Pass law probes down by half

CAPE TOWN—A massive drop in the number of police investigations into pass law offences has taken place over the past two years.

From the 1978-79 year to the 1979-80 year, the number of police investigations of pass law infringements dropped by almost 50 per cent.

The decline in investigations was from 285,650 to 184,675 for curfew regulations, the registration and production of documents and in-

fringements under the Blacks (Urban Areas) Consolidation Act.

The Minister of Police, Mr Louis le Grange, said yesterday that between July 1, 1979, and June 30, 1980, the police had investigated 13 285 infringements under the curfew regulations, 60 872 under laws relating to the registration and production of documents and in-

investigations constituted 24 per cent of the 629 941 infringements examined, whereas in the previous year they had constituted 27,6 per cent of the 1 071 271 infringements.

Mr Le Grange revealed the figures for the 1979-80 year in reply to a question in the House of Assembly by Mrs Helen Suzman (PFP Houghton), who said afterwards that the

investigations of offences, relating to more serious crime totalled 1 022 942 in the 1979-80 year.

In the previous year, had 1 089 043 offences had been investigated. This means the investigation of serious offences was roughly the same for both years but the investigation of infringements of statutory offences, such as pass laws, had dropped by 442 048, or by 41,2 per cent — PC

figures were "still too high". However, I am very glad to see the police seem to be devoting more time to investigating serious crime rather than statutory offences such as the pass laws.

This is what the figures seem to imply. Mr Le Grange said in-

Even in services and cost system es. cost and services

the labour pools of the economy are the most inadequate, although the full economic potential. Services to Blacks in the areas which form comparison, in a society which has prevented the achievement of their high, even by international levels. Blacks are poorly catered for by

in both the private and public health care sectors, and in addition a

The picture which appears is the one in which white needs are well supplied

regional supply. They give nevertheless a broad indication of the patients are unknown.

are well rewarded for their output and have used their incomes and their political power to achieve a standard of health service which is high, even by international levels.

In many respects this analysis of the distribution of health expenditure has reflected the broader operation of the South African economy. Whites

some error since the distances from which hospitals and doctors drew their distribution of hospital services. These classifications are subject to

therefore appears even more biased towards urban areas than is the distribution of hospital services. These classifications are subject to

patients are unknown. They give nevertheless a broad indication of the regional supply.

greatest, the supply is at its most deficient level.

In many respects this analysis of the distribution of health expenditure has reflected the broader operation of the South African economy. Whites

some error since the distances from which hospitals and doctors drew their distribution of hospital services. These classifications are subject to

therefore appears even more biased towards urban areas than is the distribution of hospital services. These classifications are subject to

of people per bed in the principal urban areas was 92 for Whites and 109 for Blacks, as against a ratio in smaller urban and rural areas of 109 and 191 for Whites and Blacks (32). The average of persons per bed for homeland areas was, however, higher at 233, and varied between 527 for Ka Ngwane to 154 for Bophuthatswana (33). The racial distribution of medical personnel for similar regions cannot be obtained, but in the 13 largest urban areas the ratio of people to doctors was 969, leaving a ratio of 7612 people per doctor in the rest of the country (34). The average in the Homeland was 23 037 persons per doctor, and this ratio ranged between 7429 in Ka Ngwane to 48 000 in Qwaqwa (35). The spatial distribution of the services of doctors therefore appears even more biased towards urban areas than is the distribution of hospital services. These classifications are subject to some error since the distances from which hospitals and doctors drew their patients are unknown. They give nevertheless a broad indication of the regional supply.

medical services, and this is explained by their lower income levels. By 1974, the racial proportion of general hospital services supplied by government and aided institutions was almost equal to the racial composition of the population, but the needs of Blacks as indicated by health standards and the smaller quantity of private services available require that this proportion should be even higher if racial equity is to be achieved. In addition, the services provided to Blacks are of inferior quality in relation to those supplied to Whites. Moreover in the rural areas and Homelands where the need for health services is greatest, the supply is at its most deficient level.

of people per bed in the principal urban areas was 92 for Whites and 109 for Blacks, as against a ratio in smaller urban and rural areas of 109 and 191 for Whites and Blacks (32). The average of persons per bed for homeland areas was, however, higher at 233, and varied between 527 for Ka Ngwane to 154 for Bophuthatswana (33). The racial distribution of medical personnel for similar regions cannot be obtained, but in the 13 largest urban areas the ratio of people to doctors was 969, leaving a ratio of 7612 people per doctor in the rest of the country (34). The average in the Homeland was 23 037 persons per doctor, and this ratio ranged between 7429 in Ka Ngwane to 48 000 in Qwaqwa (35). The spatial distribution of the services of doctors therefore appears even more biased towards urban areas than is the distribution of hospital services. These classifications are subject to some error since the distances from which hospitals and doctors drew their patients are unknown. They give nevertheless a broad indication of the regional supply.

of people per bed in the principal urban areas was 92 for Whites and 109 for Blacks, as against a ratio in smaller urban and rural areas of 109 and 191 for Whites and Blacks (32). The average of persons per bed for homeland areas was, however, higher at 233, and varied between 527 for Ka Ngwane to 154 for Bophuthatswana (33). The racial distribution of medical personnel for similar regions cannot be obtained, but in the 13 largest urban areas the ratio of people to doctors was 969, leaving a ratio of 7612 people per doctor in the rest of the country (34). The average in the Homeland was 23 037 persons per doctor, and this ratio ranged between 7429 in Ka Ngwane to 48 000 in Qwaqwa (35). The spatial distribution of the services of doctors therefore appears even more biased towards urban areas than is the distribution of hospital services. These classifications are subject to some error since the distances from which hospitals and doctors drew their patients are unknown. They give nevertheless a broad indication of the regional supply.

**FACULTY OF ENGINEERING**

**Corporation Medals**  
 For the best student in each  
 of the 2nd, 3rd and final years.

**Second Year (Bronze Medal)**

Miss G C Littlewort

**Third Year (Silver Medal)**

Miss N C Davidson

**Fourth Year (Gold Medal)**

P M Salmon

T J Cumming

D P Weeks

J H Rens

B F McClelland

**Professor George Menzies Prize**  
 Awarded on results of final  
 examinations to the best male  
 student in Land Surveying or  
 Civil Engineering.

J H Rens

**Sammy Sacks Memorial Prize**  
 Awarded to the student with the  
 best classwork in Engineering  
 Drawing.

L Menegaldo

**A E & C I Prize**  
 For the first year student  
 obtaining the highest average  
 mark.  
 G L Cragg

Maid  
 Mrs 26/2/81  
 'illegal'  
 204 206  
 housewife

**cautioned**

A **CONSTANTIA** house  
 wife who employed a black  
 woman who was in the  
 Cape unlawful was  
 today cautioned and dis-  
 charged by a District  
 magistrate

**CHEW**

Mrs Mary Beresford 11,  
 of Bridgewater, Brom-  
 merston Road, pleaded  
 guilty to having unlawfully  
 employed Mrs. Judith Mole-  
 tsane

Mr Beresford said he  
 had employed Mrs Mole-  
 tsane after interviewing  
 women with whom she  
 had found in  
 factory

She had originally em-  
 ployed Mrs Moletsane as a  
 temporary help. However,  
 she had been impressed  
 with her that she had  
 wanted to resign her after  
 hearing that this had  
 become possible

**CHILDREN**

The only way in which  
 Mr Moletsane could pro-  
 vide food, clothing and an  
 education for her children  
 was to work outside the  
 law, Mrs Beresford said

I am doing all I can to  
 get her re-registered legally  
 as my employee

The magistrate Mr N  
 Butcher took into  
 account Mrs Beresford's  
 honesty, and cautioned and  
 discharged her

Mrs Beresford was fined for  
 the offence of employing  
 an unlawful worker

Earlier this month Mrs  
 Moletsane was found  
 guilty by the Labour Com-  
 missioners Court of having  
 in the Cape illegally

She was fined R60 for  
 60 days. The sentence was  
 suspended on condition  
 that she obtained the  
 necessary permission to be  
 in the area within 14 days,  
 or let the police find her  
 in the area of the  
 Cape



# Duncan: control tightened up

SD  
27/2/81  
206

JOHANNESBURG — Mrs Sheena Duncan, an expert on the pass laws and influx control, warned yesterday that the drop in the number of police investigations into pass law offences revealed earlier this week did not mean that influx control was being relaxed.

"In fact, influx control has been greatly tightened up," she said.

Mrs Duncan, director of the Black Sash advice office, was commenting on figures released in Parliament by the Minister of Police, Mr Louis le Grange, which showed a drop of nearly 50 per cent in the number of pass law investigations over the past two years.

She said the reduction

was compatible with the trend following the Riekert report of shifting the focus of control over the movement of blacks from the streets to places of employment and accommodation.

The employment and accommodation checks were mostly carried out by administration board inspectors and no proper picture could be built up until figures for board investigations were released as well.

"We're going to have to wait for a total figure before being able to assess whether investigations have really dropped or not."

"All the figures mean is that the police are not spending so much time picking people up in the

streets."

According to Mr Le Grange, police investigated 151 716 infringements under the curfew regulations, laws relating to the registration and production of documents and the Black (Urban Areas) Consolidation Act between July 1, 1979, and June 30, 1980, as compared to 295 650 in the previous year.

Mrs Helen Suzman, PFP spokesperson on black affairs, yesterday welcomed the reduction but added the figures were still "very high."

She added these infringements created great racial tension and packed the prisons with people who were not criminals "in the ordinary accepted meaning of the term."

(43.) The health of the community

(44)

(45)

~~That improvements in health care account for all improvements in health is not true. Improvements in nutrition,~~

~~vention of diarrhoea, emphasis must be on the basic nutrition rather than on merely treating the infection when the patient presents with diarrhoea." (3) The benefit of the Day Hospitals in the treatment of gastro-enteritis is the benefit of the Day Hospitals in the treatment of gastro-enteritis is the benefit of the Day Hospitals in the treatment of gastro-enteritis is~~

hypothesized to be that the proximity of the Day Hospitals to the patients' homes, causes mothers to take their babies for treatment before severe dehydration sets in. A similar hypothesis holds for pneumonia - children suffering from influenza, bronchitis are less likely to contract pneumonia and require hospitalisation. It was not possible to investigate this hypothesis, because of a lack of suitable data over time.

However, doctors have reported a reduction in the number of acute illnesses in children living in the Cape Flats.

Thirdly, the advantages the Day Hospitals offer in the treatment of a common chronic disease, <sup>Maternity</sup> onset-diabetes, will be considered.

## (4.3.1.) Obstetric care.

Before 1973, deliveries were carried out in 5 provincial hospitals in the UCT ambit - (south of Settlers Way plus Langa, to Simonstown) - Groote Schuur Hospital, Mowbray Maternity Home, Peninsula Maternity Home, Somerset Hospital, and St Monica's Maternity Home. After delivery, mothers were kept in hospital for perinatal care of mother and child. Deliveries were also performed by private midwives in the homes of patients. District midwives also saw to the perinatal check-ups of these mothers and babies.

Home deliveries by midwives are not satisfactory for the following reasons:

- 1) In the case of an emergency, there is often no nearby telephone to summon medical help
- 2) housing in many low socio-economic areas is overcrowded, allowing little privacy for a woman in labour
- 3) in many cases there is no electricity, thus no hot water nor adequate lighting and in some cases, there is even an absence of taps on the premises

... / ...

# Inquiry on influx control

Argus  
4/3/81

206

~~243~~

Argus Correspondent

JOHANNESBURG — Urban black councils might agree to enforce influx control if they were given meaningful powers, said Mr M B Kumalo, a member of the committee redrafting three Bills affecting urban blacks.

The committee, headed by Mr Justice I M Grosskopf, held its first meeting today

Mr Kumalo, a prominent East Rand community leader, said in an interview that influx control was one of the most difficult issues the committee would have to deal with.

He believed that influx control had been applied unfairly in the past. However, he also made it clear he feared that large squatter slums would de-

velop in urban areas if influx control was abolished

Asked what he felt about black councils being used to help to enforce influx control, he said he believed they would 'face their responsibilities fully' if

- They were made financially viable;
- They had powers and could take decisions which were binding.

He believed there were faults in the system of influx control proposed by the Riekert Commission.

Mr Kumalo said he would express the misgivings that many black people have over the three Bills, which were withdrawn earlier this year after widespread criticism



13/.....

Due to the Wenceslaus effect we tend to give more generously at Christmas time because although the difficulties of the poor can be presumed to be roughly constant throughout the year, we desire to feel good at Yuletide.

That altruism and charitable behaviour exists cannot be ignored. The blood transfusion services of the United Kingdom and to a significant extent the USA rest on little else<sup>21</sup>. Even within a strict pareto optimal framework redistribution can be shown to be justified<sup>22</sup>. The important problem is to arrange society so that altruism and self-interest operate in the same direction.

The view of altruism as a duty has unfortunate side effects. "It fosters the belief that doing good is closely connected with - or even necessarily involves - self-sacrifice; which belief tends to discourage good action"<sup>23</sup>. It is an important insight of economic analysis that self interest is not necessarily incompatible with serving the interests of others<sup>24</sup>.

### III The market for medicine

The previous section argued that in general the free market provides the most efficient allocation mechanism for medical services. Equity provides no basis for policy. Though there can be no doubt that the market for medical services does present problems, the difficulties are related to price rather than income. Even in Western societies, where incomes are relatively high patients have problems

15/.....

14/.....

paying for health services<sup>25</sup>. Technically this is not difficult to understand. Though the problem appears to be one of poverty (lack of income) it is essentially one of demand and supply<sup>26</sup>.

In a system of socialised medicine, society itself appears in the market as supplier as well as demander. There seems to be no equilibratory mechanism. On the supply side voters are cost minimisers.

On the demand side there is a shortage of health care for more than 10 million people. A market or the Section was roughly 10 million people. course, how greater if since the market of medical medical profit factory. C tume demand

## Pass book ring may have netted R500 000

### Crime Staff

False reference books are being circulated throughout the country and police together with various Administration Boards have launched an intense investigation to smash the ring of forgers

Cases are being reported to the police every day by Railways, Police and Administration Boards

Two people believed to be members of a country-wide gang were arrested during intensive investigations

More than R30 000 is involved in the case at present but police believe this could rise to R500 000. Fraud Squad detectives are now hunting for more than 300 people

living in and around Johannesburg with false reference books bought from a syndicate

False identity books are being sold to "illegals" for up to R200 each

The swindle was uncovered by Wrab officials after investigating a case in which a man was found with a forged identity document

Police believe the syndicate is operating from hired premises in the Johannesburg city centre and that the books are being sold "on the streets"

Police would not confirm that black people, including policemen, were being used as "decoys" in an attempt to smash the syndicate.

that a compulsory scheme such as this is an example of a very smart bit of marketing. The effect is further that doctors spend relatively more of their time dealing with relatively trivial complaints. Since the marginal cost for medical scheme patients of any service is virtually zero, services are likely to be consumed up to saturation levels.

On the supply side the problem can be characterised as one of monopoly and barriers to entry. In some sense, of course, these barriers are inevitable. The art is long. Even witch doctors serve an arduous apprenticeship. What constrains the number of







# Pass racket: 2 held

POLICE have uncovered another reference book racket — and two people have been detained. Yesterday police announced that they had launched an intensive investigation and other people were being sought. According to police, about 300 people in and around Johannesburg have forged reference books — bought at about R300.

The amount involved could be as high as R50 000, according to estimates. Various administration boards are involved in the investigations.

The culprits are believed to have been operating from Johannesburg.

*6/13/81*  
*Saw 5700 206*

# Dismay

over

C. Herald

number

7/3/81 (206)  
of pass

law

arrests

MRS JOYCE HARRIS, president of the Black Sash, has reacted with shock and dismay at the announcement that 81 050 Africans were arrested last year for pass law offences.

'Pass laws turn people into criminals. They are designed to fit them with white ideology. They control African people from the cradle to the grave.'

'Africans need to eat and also have to clothe their families and the pass laws prevent untold numbers from doing so,' said Mrs Harris, whose organisation assists countless blacks with the maze of influx control laws.

## MINISTER

The number of arrests was revealed in the House of Assembly by the Minister of Police, Mr Louis le Grange, in reply to a question by Mrs Helen Suzman, the Progressive Federal Party member for Houghton.

Mr le Grange said the following arrests were made in major areas: Pretoria — 14 121, Johannesburg — 36 169, Durban — 2 922, Cape Peninsula — 467, Bloemfontein — 2 540, West Rand — 3 892 and East Rand — 5 812.



Man is destitute with no pass

# NO PLACE TO STAY

206  
SOWETAN  
10/3/81

By WILLIE BOKALA

A 25-YEAR-OLD man who lost his pass-book has travelled hundreds of kilometres to establish his identity and is now officially homeless and jobless.

The sad story of shy-looking Mr Mshiyeni Jafta Nkosi started last year when he lost his reference book. Since then he has travelled between Johannesburg, Ermelo, Pretoria and a place called Sheepmoor to get a new pass, with no success.

"I took my pass out in Ermelo in 1973. I came to Johannesburg in 1974 and have been here since then. After losing my pass, I went to the commissioner's office in Johannesburg to try to obtain a replacement.

"They told me they could not help me. I went to Pretoria and they could not help me. When I went back to the Johannesburg offices they told me to go to Ermelo. There they told me



● Mr Mshiyeni Nkosi . . . pass problems.

they did not know me and sent me to Sheepmoor. At Sheepmoor they could not help me and referred me back to Ermelo," he said.

When Mr Nkosi failed to convince the Ermelo authorities that he was brought up and schooled there, he decided to approach the commissioner's office in Alexandra, Johannes-

burg.

But to add up to his misery he was given until March 20 to leave the Alexandra area. He was also given a letter to take to the commissioner's office at Piet Retief, over 250 km from Johannesburg.

And Mr D J Coetsee, the commissioner's spokesman on passes, confirmed there was noth-

ing much to be done for Mr Nkosi. "Especially since he is not a registered employee. He has quite a problem. You see, they will all refer him to Ermelo if he originally took out his pass there. In any case let him come and see me. I will see if I can't do something," he said.

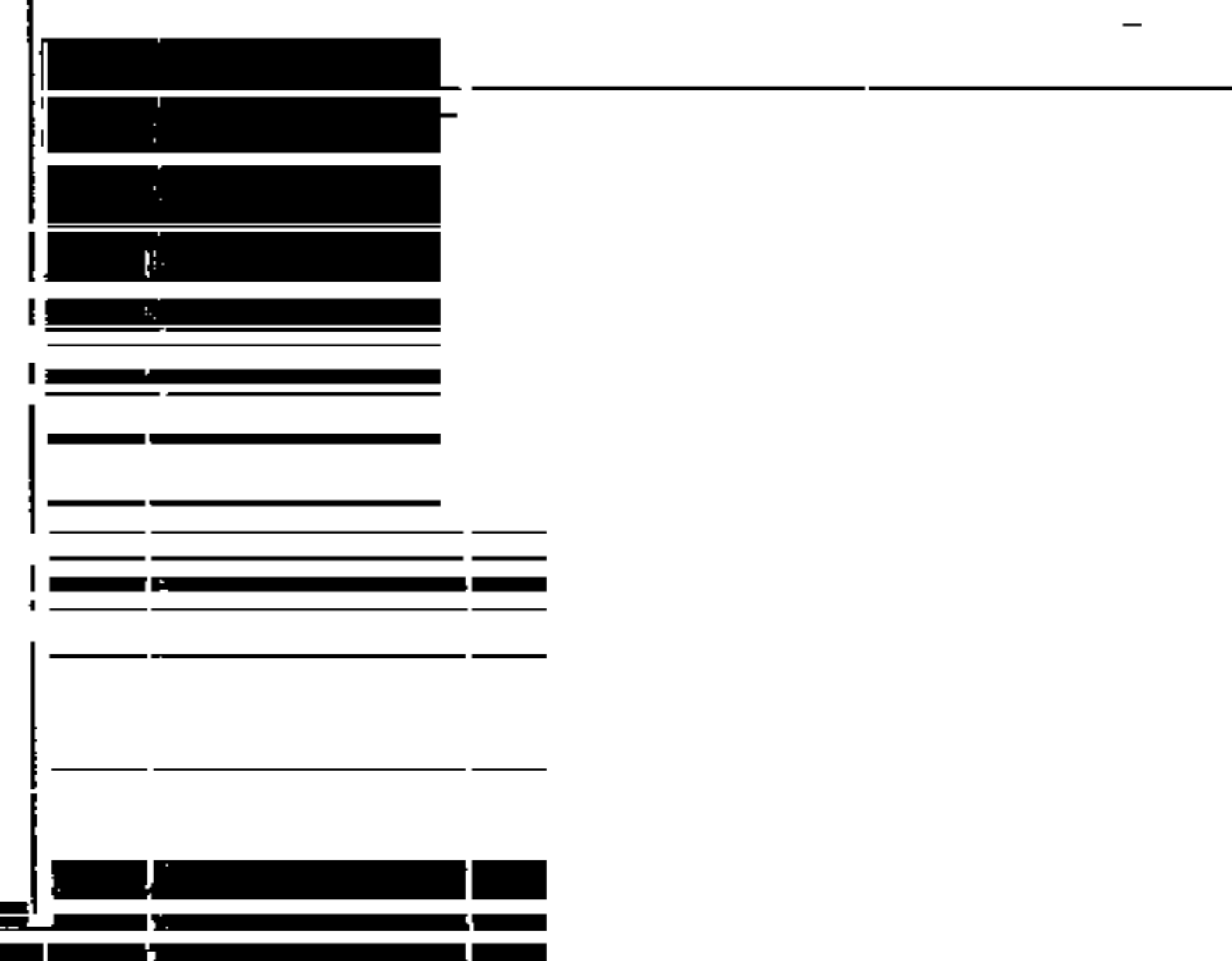
Mr Nkosi says his job — which he got late last year — is now being threatened. "My employers are pressurising me to obtain a pass and register as they cannot employ people illegally. I am now just about to lose my job as well and if this happens it would be the end of me," he adds.

His father died in 1961 and his mother came to Johannesburg in 1962. "She has been here since and has applied for a house in Alexandra. "I remained with my uncle in Ermelo but in 1974 he went to Swaziland and I was forced to follow my mother to Johannesburg. Now I can't live here and I can't live in Ermelo as I don't have anybody I know there," he says.

Mr Nkosi says he told the authorities in Ermelo that he knew nobody since his uncle went to Swaziland. "They immediately said they could

not help me. I don't know who will help me now.

"I travelled from Ermelo to Sheepmoor and back to Johannesburg and now I am required to go to Piet Retief and I will obviously be coming back with no pass," he said.



Star 11/5/81 (206)

# Black model was arrested over pass

By Carol Mathiane

A top Soweto model, Ms Thoba Mavimbela, is a bitter woman after spending four hours at the Johannesburg Fort prison yesterday. She claims she was called a "Mahosha" (call-girl) by a white policeman for not having her reference book with her.

Ms Mavimbela, a travelling beauty consultant for a cosmetic company, told The Star how she had been walking with a coloured colleague when a black policeman stopped

her and demanded to see her passbook.

She then told the policeman that it was in her bag which was in the store where she was holding demonstration courses.

"I was then taken by the scruff of my neck and thrown into a waiting police van," said Ms Mavimbela.

She was taken to No 4 Central Prison where a white sergeant in charge asked her to produce her pass.

"No amount of pleading could make him understand that my pass book

was in my bag," she said.

"Instead he told me that I was a mahosha and they were going to clean up Hillbrow.

"Later, my colleague brought my reference book and I was released. But not until I had been humiliated and degraded for committing no crime.

"My dignity as a black woman has been hurt and I feel dirty for having been to that filthy place," said Ms Mavimbela.

Hillbrow police could not find any record of her arrest.

Ms Thoba Mavimbela . . .  
"humiliated and degraded."

63

It would be a good way of  
eldom know of those cases  
trying to establish  
ow will work, but which  
for lack of some capital

"lopers" come to the area  
it their plans, they cannot  
rious groups in the society  
, and through. It is very  
ap of working with the  
ate with, and who are enth-  
as I have shown, are  
s society.

11

## The myth of community.

A mistake that many people involved in development projects make, is that they assume there is a "community". During my involvement in Cape Town SAVS, for example, we presumed that people would want to contribute towards the establishment of a marketing centre for Umhlaba, a creche for one area (Ipoti) and a clinic for another (Umhlabo). We assumed that the people of these localities would see themselves as a group, and thus would decide to work as a group on a project which would benefit themselves as a group. However, most, if not all, villages are not communities: the most one can say is that they are a gathering of people living near each other. In Umhlaba a large number of people are strangers who have moved in from white farms, and due to rehabilitation most of the "localities" are composed of a number of villages moved down from the mountains.

64

There are some villages or locations which are more integrated than others, where there have been fairly successful "community scale" projects. However I found that I could not associate this with anything other than the presence of a good headman or other co-ordinating figure in the area (vide the fact that so often when this person goes, the "progressive" quality of the area dies and the projects go to rack and ruin) 54 .

In all the projects I mention there is at least one person, and usually a small group, who really believes in, and supports the project. One generally finds that this small group are involved in all the projects in the area and are on all the committees. Most of these people obviously believe that with concerted effort their areas can progress along a Western path of development.

In all areas there is a large number of people (still not the majority however) who consider the ideals cited, when a new project is discussed, as good. They say they would like such a



# 60 HELD

# IN DAWN

# RAID ON

# LANGA

Argus 12/3/81

206 307 340

121

THREE MEN allegedly fell from the roof of the Langa barracks today during a pre-dawn pass raid in which more than 60 were arrested.

An unconscious man was admitted to Conradie Hospital.

An official at the Langa Commissioners Court said today that those arrested would appear in court tomorrow.

## Not seen

The chief director of the Western Cape Administration Board, Mr A A Louw, said he was not prepared to give information about the raid, but that a 'factual statement on the situation at the Langa barracks' was available at his office.

At the time of going to press, The Argus had not seen the statement.

Mr Louw said he had 'heard' that one person jumped from the roof of the building this morning.

According to a witness, Mrs Monica Sikhunana, the raid started about 5 am.

Riot police, board inspectors and uniformed police surrounded the barracks.

People fled when they saw the raiding party.

Some fled to the roof of the single-storey building. Inspectors followed and beat the men on the roof, she said.

## Allegation

A man hung from the gutter and, according to Mrs Sikhunana, an inspector stamped on the gutter and the man fell to the ground.

She said the men on the ground were beaten again and dragged to a truck.

Relatives of those arrested went to the Langa police station.

Two of the men who allegedly fell from the roof were not there.

One was Mr Zandisile Nggokweni. Mrs Sikhunana

(Continued on Page 3, col 7)

Argus 12/3/81

Langa

307 206 340

(Continued from Page 1)

believes he was seriously injured.

Meanwhile, those people evicted from the barracks on Monday have returned there to sleep 'because they have nowhere else to go'.

They move their belongings out of the building during the day and store them in the barracks at night.

The barracks are to be cleared and handed over to a private company to be renovated for their employees.

A police spokesman confirmed the presence of police during the raid.

He said police were aware of only one person being injured when he leapt from a roof.

The man, who is about 30, had no external injuries, he said.

# Barracks dwellers forced outdoors

CT 12/3/81 206 240 127 307  
Staff Reporter

ABOUT 100 people who were evicted from Langa Barracks on Monday have been sleeping outdoors for the past three days

One of those evicted, Mrs Francis Mentani, said yesterday she had been sleeping in the bushes with her three-year-old son, Nkosane, to avoid arrest

She said she had to take him to a doctor yesterday because he had caught a chill from sleeping in the bushes. She could have left Cape Town if her son was not receiving treatment

Other people evicted from the barracks said they had been housed in that area by the Western Cape Administration Board after being moved from Schotsche Kloof in Cape Town

One of them said they had been moved into the barracks about two years ago and the

Western Cape Administration Board had promised to give them better accommodation

The woman said they had been sleeping next to their furniture outside and had nowhere to go

"Some of us are employed and since we have been evicted we cannot go to work as we must watch our furniture," she said. The children had not been attending school as they could not wash because they had no washing facilities

Dwellers who have come from Hout Bay and Killarney squatter camps have not yet been evicted. They say they have been given till next week to move out of the barracks and do not know where they will go

The chief director of the board, Mr A A Louw, yesterday declined to comment but said he would release a statement later this week



CT 13/3/81

# Man hurt in fall from roof during police raid

By CHRIS BARRON

A MAN who was taken unconscious to Conradie Hospital, after he fell from the roof of the Langa barracks while fleeing from police during a pre-dawn raid yesterday, will face a charge when he recovers.

This was confirmed last night by the Divisional Commissioner of Police for the Western Cape, Brigadier D B Nothnagel, who said the man, one of 60 arrested during the raid, would probably be charged with illegally occupying the building.

The raid, which began at 5am and involved riot police, uniformed police and Western Cape Administration Board officials, followed the eviction of an estimated nearly 600 people from the Langa barracks on Monday.

Last night the chairman of the South African Institute of Race Relations, Mrs Daphne Wilson, criticized the "abusive and aggressive treatment" which she said she had personally witnessed being meted out to residents of the barracks during yesterday's raid.

In a statement she said one could "only be appalled at the raid" and that it was "frighten-

ing to think that people whose only 'crimes' are that they wish to live as families or be here to find work, should be thus hounded and abused".

## Same employers

She said she had personally interviewed a number of those who had been housed in the barracks and that many of the men had been working for as long as 15 years for the same employers.

Many of these, she continued, had been born in Cape Town or Paarl.

Nearly all of their wives had extended permission to be here to receive hospital treatment, and many of those who had been moved from Hout Bay to Langa had been with their husbands for several years.

Calling conditions in the Langa barracks "uninviting", Mrs Wilson said that clearly no one would choose to live there unless desperate for accommodation.

## Insult to injury

The backlog in accommodation for black people was "disgraceful", she said.

"People who give of their labour deserve to be housed decently. It is adding insult to injury to subject them to abuses and aggressive treatment such as we saw meted out."

Meanwhile, a dispute has arisen between the Western Cape Administration Board and community workers as to the number of people evicted from the Langa barracks on Monday.

In a statement last night the chief director of the board, Mr A A Louw, denied that "anywhere near" as many as 600 people had been given their marching orders.

While he was unable to be more specific, he estimated that the number involved was nearer the 100 mark.

## Not same people

Those evicted, he said, were not the same people who had been moved into the barracks by the board last year, but others who had gained "forceful entry" and were in the building "illegally".

Community workers who have been working with the residents in the barracks say, however, that only a small number of these people constitute those who were moved into the barracks by the board.

The majority they claim, are people who moved there on their own accord because they "had absolutely nowhere else to go".

One of the workers explained that the barracks contained 24 rooms and that the rooms housed an average of seven families each. This meant there were "well over" 600 people living in the barracks and that at least 400 must have been evicted on Monday.



(13)

Thus there appears to be no solution to the problem of shadow prices, which themselves are difficult to calculate. McKean has concluded that owing to the problems associated with shadow pricing, the use of market prices where these exist may be no more subjective. However, in the health sector, there are no markets. Use of costs incurred by public hospitals in the treatment of illness for example, may be very poor reflections of the true cost of resources. There appears to be however, no practical alternative.

with what information is

# Attorneys complain about prosecutor

Page 13/3/81

206 307  
124 340

TWO defence attorneys, appearing for about 60 people who were arrested in a pre-dawn raid at the main barracks in Langa yesterday, today placed on record at the Langa Commissioner's Court their dissatisfaction with the attitude of the chief prosecutor, Mr J J Fourie

The court was in a state of near chaos before the proceedings started today.

Overseas observers watched as the chief prosecutor issued instructions to clean out (maak skoon) the tiny court, which was filled to capacity.

## REFUSAL

Defence attorney Mr J Hendry complained to the court that the prosecutor had refused to allow him to check on some of his clients before the proceedings started. He said that if Mr Fourie had been more co-operative the delays experienced in the court proceedings would not have occurred

Another defence attorney said he had found out by chance that one of his clients was in the cells at the court, after the prosecutor had assured him that the man was not in the cells.

When the man appeared in court the charge against him was withdrawn because the charge sheet was incomplete

## ADJOURNMENT

Before the magistrate, Mr L van Wyk, adjourned the court to give the prosecution and defence time to sort out their records, seven cases were heard

Three of the cases were withdrawn against the accused because the charge sheets were incomplete

One woman was found guilty of staying in the barracks illegally and fined R10 (or 10 days), two cases were postponed and the accused allowed free bail; and three cases

were postponed to March 16

Two of these accused were allowed free bail and the third was released on R10 bail.

## GUILTY PLEA

Mrs Gloria Roje pleaded guilty to staying in the barracks illegally. She said she had a legal permit to stay in Guguletu where she lived with her parents but the house was not theirs and she had to leave. She said she went to the Langa barracks because she had nowhere else to go. She was fined R10 (or ten days)

During the adjournment a sick baby was brought into the courtroom. The baby's mother had been arrested in the raid yesterday. Court officials allowed the seven-month-old baby to be taken to her mother in the cell.

Mrs Blossom Mtyopo appeared in the court shortly after the adjournment with her baby in her arms.

She pleaded guilty to being in the Cape Peninsula for more than 72 hours without a permit and for not being in possession of a passbook.

## CAUTIONED

She said she had come from Port Elizabeth to fetch the belongings of her sister, who had died.

She was cautioned and discharged

Mr van Wyk said that if she was found in the area again she would not be treated as leniently

Three other accused pleaded guilty to the same charges and were sentenced to R60 (or 60 days) on the first charge and R10 (or 10 days) on the second charge

Mr Matthews Ncoza received the same sentence. He said he worked in Woodstock but had no money to pay the fine. He refused to leave the witness box after sentence and was forcibly ejected by court orderlies

is very difficult to calculate the average cost per case, then admission rates subject of marginal cost, Feldstein points out that if the long run marginal cost is less than the average cost per case, then admission rates and intensity of use might be substantially higher (if doctors and administrators appreciated this and they generally look at average cost.) (10)

Objective indirect costs can be determined by collecting information through surveys - finding out the time spent waiting at hospital, the time off work due to ill-health and the time and expense involved in travelling to hospital

There has been much discussion on the correct way to evaluate the economic loss resulting from time taken off work due to ill-health, Muskin distinguishes between death, disability - the loss of working time/.....

(12)

health care, the question arises whether willingness to pay represents the value of a health project to society. What are the characteristics of health care which make it different from other economic goods? Demand is unpredictable since one never knows when it will be required or how much, and since demand is infrequent, the consumer cannot learn by experience unless he suffers from a chronic illness. There is product uncertainty particularly on the side of the patient who is unable to understand the production functions on the side of the doctors and

in order to obtain greater output. In the absence of externalities, the appropriate shadow price is the marginal cost and where externalities are present, the marginal social cost. However, to the extent that the marginal conditions for economic efficiency are not present outside the realms of the cost-benefit appraisal, the 'second-best' problem arises. It is unlikely that prices will reflect marginal social cost in the private sector where the aim of the firm is to maximize some private objective function. If marginal cost pricing is adopted in the public sector, but does not exist in the private sector, there is no assurance that the economy as a whole will be any nearer to a Pareto optimum than if neither sector used the marginal cost shadow price. To Krutilla, this problem appears to be at least as great in practical importance as is the issue of interpersonal comparisons and income distribution. (8)

Thus/.....



# Three injured in raid

THREE men fell from the roof of the Langa barracks in Cape Town during a pre-dawn pass raid in which more than sixty people were arrested yesterday. 206

An unconscious man was admitted to the Conradie Hospital.

An official at the Langa commissioners court said today more than 60 people arrested would appear in court today.

The chief director of the Western Cape Administration Board, Mr A A Louw, was not prepared to give any information about the raid but said a factual statement on the situation at the Langa barracks was available at his office.

Mr Louw said he had "heard that one person

jumped from the roof of the building that morning." <sup>SUBJECTIVE</sup>

Mrs Monica Sikhunana, a girlfriend of one of the injured men, said the raid started at about 5.00 am. Riot police inspectors of the Western Cape Administration Board and uniformed police surrounded the barracks.

People began to flee when they saw the authorities. Some fled onto the roof of the building. Inspectors followed and she alleged they hit the men on the roof.

A man hung from the gutter. According to Mrs Sikhunana an inspector stamped on the gutter and the man fell to the ground.

Relatives of those who were arrested went

to the Langa police station that morning. Two of the men who fell from the roof were not with those who were arrested and they are believed to have been taken to hospital.

One of the men who fell from the roof was Mr Zandisile Ngqokweni.

Meanwhile those people who were evicted from the barracks on Monday have returned to sleep in the building, because they have nowhere else to go.

And people who were given permission to stay in the main barracks at Langa on a temporary basis have been given notice to evacuate the building by March 23, Mr Louw said in a statement.

13/3/81

# 43 in court after raid on Langa

CT 14/3/81  
207 210 206  
124

## Staff Reporter

FORTY-THREE people appeared in the Langa Commissioner's Court yesterday following a raid by officials of the Western Cape Administration Board on Wednesday morning.

During the hearings, two defence attorneys placed on record their dissatisfaction with the attitude of the chief prosecutor, Mr J J Fourie.

Mr J Hendry, a defence attorney, complained to the magistrate, Mr L van Wyk, that Mr Fourie had refused to allow him to check on a number of his clients.

Two overseas observers were present during the hearings.

Twenty people were charged with being in the Peninsula for more than 72 hours without permission and for not being in possession of identity documents.

Nine were found guilty on both counts and six were fined R60 (or 60 days) on the first count and R10 (or 10 days) on the second and three were fined R50 (or 50 days) on the first count and R10 (or 10 days) on the second.

The six were Johnson Geunu, Mathews Ncoza, Allan Mentam, Mofobe Ncaza, Elliot Ngxamile and William Feni. The three were Constance Ndolo, Freddie Ntloya and Ernest Sola.

Miriam Makeleni and Temba Mpanza were found guilty of being in the area illegally and were cautioned and discharged for not being in pos-

session of a identity documents. Makeleni was fined R60 (or 60 days) and Mpanza R30 (or 30 days).

Gladys Ngedle was also found guilty on the first charge and fined R30 (or 30 days).

Makhangile Khomeni, Blossom Mtyopho and Victor Mzane were cautioned and discharged.

Mrs Mtyopho's seven-month-old baby was brought to her during an adjournment. She had been in custody after having been arrested and taken to jail without the baby.

She pleaded guilty to being in the Peninsula for longer than 72 hours and told the court she had come to Cape Town to fetch the belongings of her sister, who had died.

She was told to leave the Peninsula by Sunday.

Mr Mzane told the court that he had come to Cape Town to look for his mother, but did not find her. He said he did not have relatives in Transkei and the Commissioner, Mr L Van Wyk, referred him to the Aid Centre.

The first charge was withdrawn against Bennet Rasmeni and he was found guilty on the

second charge and fined R10 (or 10 days).

Six were charged with being in the main barracks without the permission of the superintendent.

Gloria Roji was found guilty and fined R10 (or 10 days), charges against Mr Abednigo Siyoko were withdrawn and Mr Kennedy Nogi was discharged.

The cases against four others will be heard on Monday.

Two were released on R10 bail. They are Monica Makaluti and Buzile Ganda.

Four were charged with trespassing and for not being in possession of identity documents. They were Nontembiso Khohleni, Ntombizodwa Damane, Sydney Mguga and Mathew Nonkuwa.

Three were charged for being in the area illegally. The case against Jacob Mgwadla was withdrawn and Abel Nkeble and Hilton Gaga were each fined R60 (or 60 days).

The case against C Classen was also postponed until Monday. He claimed to be coloured and was asked to bring his identity documents on Monday.



# Few blacks know legal rights — survey

CT 14/3/81  
245  
206

Chief Reporter

A SURVEY finding that not more than 12 percent of blacks appearing before the Langa Commissioners' Court each year are legally represented "gives cause for deep concern", says a new publication, "South Africa's Legal System Justice for All?" issued by the University of Cape Town's Institute of Criminology

The Langa Commissioners' Court is where cases concerning influx control, pass laws and other technical matters are heard

The publication, compiled by Mrs Mana Slabbert of the Institute of Criminology, says "From interviews and observations at courts, it seems that apart from not being legally represented, very few accused persons (about five percent) know basic court procedure or what their legal rights are

"At one magistrates' court only 11,6 percent of persons interviewed had made use of legal aid in the past

"During this survey a strong feeling of animosity was observed among 'black' and 'coloured' persons towards the criminal justice system generally

"Unfortunately many believe that the expansion of services will not enhance their chances as the process of detection, apprehension and arrest of persons is based on a system of privilege, ie the person with a 'standing' in the community, financial resources, legal aid of own choice, has a better chance of a lighter sentence and/or acquittal

## Criminal justice

"These are issues we have to investigate more fully, and come to terms with. One cannot address one issue within the criminal justice system without addressing oneself to the other components as well"

Still referring to the Langa Commissioners' Court the publication says

"A difference in attitude was observed in the way in which some magistrates and other court officials addressed 'black'

and 'coloured' persons compared to their attitude towards 'white' persons. A number of disturbing examples were recorded

"At the same time however it was observed that there were other magistrates and officials who were mostly fair and consistent in their dealings with accused persons"

In a section dealing with observations made at the Retreat Regional Court the publication says statistics show that "a much larger percentage" of unrepresented people were found guilty than the number of represented persons

## Innocent

"To put it the other way round a much higher percentage of represented persons were found innocent than those not legally represented."

The publication says the reasons for the small proportion of black people who are served by the legal aid system should be evaluated

"There are private legal aid organizations with limited funds who handle more cases a year than the State Legal Aid Scheme. Granted, they often have services of lawyers free of charge, but still manage to accept more cases than their staff can handle

"It is regrettable that the criticisms which are often aimed at the Legal Aid Board cannot be discussed openly. Unfortunately the director and chairman of the board did not accept invitations to the legal aid conference at Natal University in 1973, where criticisms were voiced

"This could have been a good opportunity for members of the legal profession to meet officials of the board and to come to terms with problems

"No development can take place while mutual suspicion is reinforced"

The Institute of Criminology publication concludes "A well-designed seminar and/or conference would, at this stage, do much to enhance the future of legal aid and legal representation in this country"

# Crossroads used to justify influx controls

The Ministry of Co-operation and Development has used the Crossroads settlement in the Western Cape as "a striking example of what can result when influx in unmanageable proportions takes place."

The statement, in a letter earlier this year to Black Sash national president, Mrs Joyce Harris from Deputy Minister Morrison, was quoted to the conference today in the national headquarters' annual report.

The letter said: "We (the Ministry) now find ourselves dealing with the

valid complaints and representations of the established black population of the Western Cape that the Crossroads community has made inroads on their job and housing opportunities."

Mr Morrison quoted the Riekert Commission in stressing that influx control "in some form" was essential to obviate grave economic and social problems around our cities and towns "from unemployed and homeless people

"The scientific application of influx control rel-

ates to the Government's endeavours to remove hazardous aspects and to avoid as far as is humanly possible, affronts to the dignity of persons in applying influx control

"The question of work per second cannot be equated solely to a possible job opportunity in some far-off place without regard to supply and demand on the labour market and the possibility, or even the fact -- as in the Western Cape -- that that market is already oversupplied."

WAGE (R)	AGE (YEARS)	TOTAL NO. OF WORKERS											
		0 - 20	2,01 - 25	25, 1 - 30	30, 1 - 35	35, 1 - 40	40, 1 - 45	45, 1 - 50	50, 1 - 55	55, 1 - 60	60, 1 - 65	> 65	TOTAL NO. OF WORKERS
0-2,50		3	6	2	1	1	4	1	1	1	1	1	4
2,51 - 5,01		2	1	9	4	4	3	3	3	2	3	3	22
5,01 - 7,50		4	1	3	5	3	7	1	3	4	1	1	32
7,51 - 10,00		2	5	3	4	3	7	1	3	4	1	1	32
10,01 - 12,50		2	5	3	4	3	7	1	3	4	1	1	32
12,51 - 15,00				3	2	2	3	1	1	1			18
> 15				1	2	2	3	1	1	1			10
		12	13	21	18	9	15	3	13	10	6	4	124

Distribution of workers by Age (x) and cash wage (y)

TABLE 35



340 306  
SWEETMAN 1/81  
SOI

# Man who fell faces charge

CAPE TOWN — A man who was taken unconscious to hospital after falling from the roof of Langa Barracks while fleeing police during a raid faces a charge when he recovers.

The divisional commissioner of police for the Western Cape, Brig D B Nothnagel, said the man, one of 60 arrested during the raid, would probably be charged with illegally occupying the building.

The raid early on Sunday involved riot police, uniformed police and Western Cape Administration Board officials, followed the eviction of an

estimated nearly 600 people from the Langa barracks last week.

The chairman of the South African Institute of Race Relations, Mrs Daphne Wilson, has criticised the "abusive and aggressive treatment" which she said she had personally witnessed during the raids meted out to residents of the barracks.

In a statement she said one could "only be appalled at the raid" and that it was "frightening to think that people whose only 'crimes' are that they wish to live as families or be here to find work, "should be thus hounded

and abused"

The chief director of the administration board, Mr A A Louw, denied in a statement that "anywhere near" as many as 600 people had been evicted.

He was unable to be more specific, however, estimating that the number involved was nearer the 100 mark.

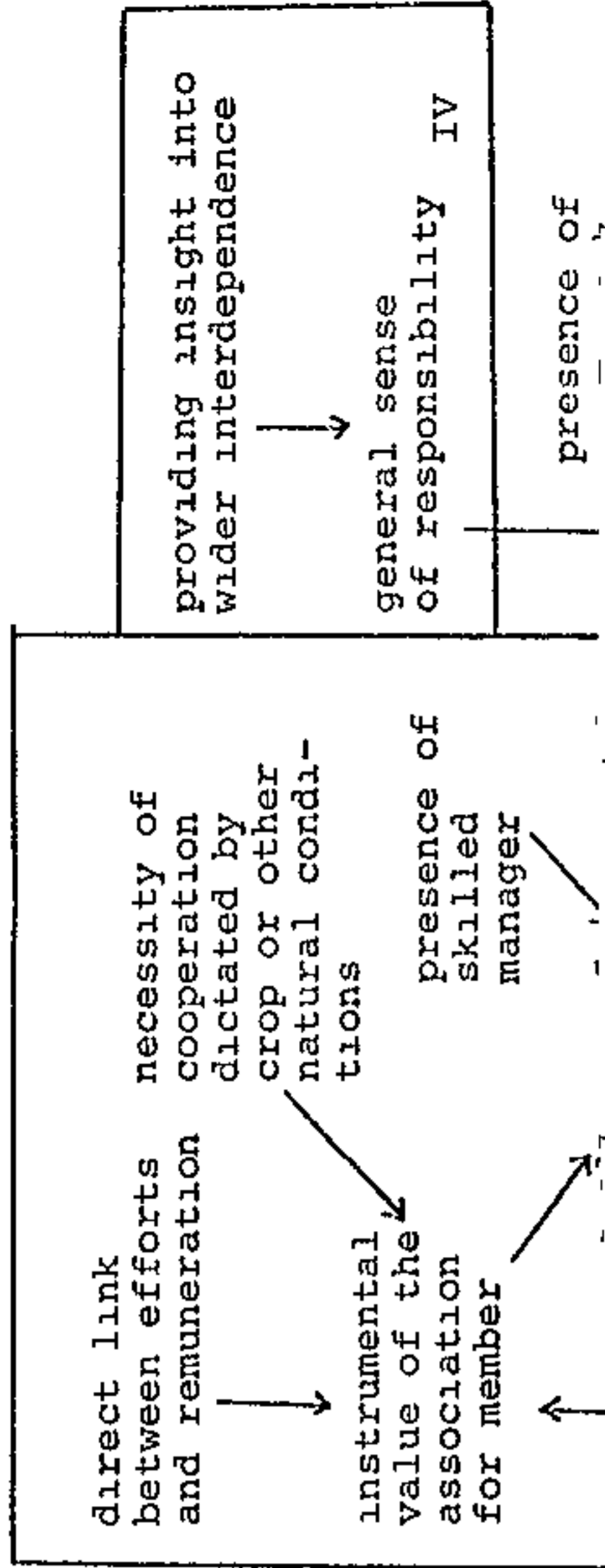
Those evicted, he said, were not the same people who had been moved into the barracks by the board last year, but others who had gained "forceful entry" and were in the building "illegally" — Sapa.

72.

13. FACTORS INFLUENCING MEMBERS' COMMITMENT TO PROJECTS.

While small scale production groups seem by their nature more likely to inspire participation and committed involvement than bigger community projects, they, too, face many problems. Benno Galgart writes "People who are conscious of being in a structural bind are likely to act collectively. The main problem, which their association meets is that of degree of solidarity. Solidarity is the willingness to sacrifice (that is, spend without readily foreseeable material remuneration) resources to the benefit of others" (58) 5 6

I include his diagram of variables which affect solidarity.



# COMMENT

## Scrap the pass laws

11/3/81  
206  
SOWETAN

THE story we published yesterday, about a young man who has travelled hundreds of kilometres trying to obtain a reference book once more demonstrates the frustrations the pass system can bring upon people.

Here, it seems, is a man who is prepared to work for his living. He has a job. His mother lives in Johannesburg — in fact, has been here for years. He obviously does not have any accommodation problems, either. Yet, all because he lost his "holy book", he does not exist, officially.

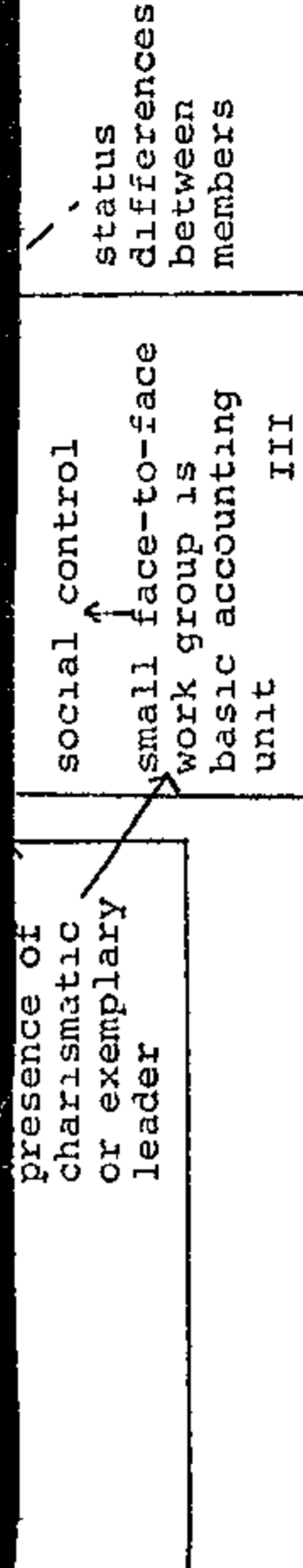
His employers have threatened to kick him out unless he gets his reference book problems sorted out. They seem to fear keeping him on, in case they are employing him illegally. So, unless somebody sorts out the problem fast, this man will be back on the streets, jobless.

It will not be for lack of trying if this man fails to get his documents. As we said, he has travelled hundreds of kilometres, with one authority referring him to another.

The recipe for crime is all there. When the crunch comes, and he loses his job, he will still have to eat. But, deprived of an opportunity to work and earn a decent living, turned into a technical criminal (he will have to run for it everytime he sees policemen) what else can a man do?

Quite often, the question of the pass laws comes up for discussion. The evils of the system are exposed. Yet very little is done about them, for the simple reason that the whole apartheid philosophy is based on this concept.

At the same time, people like Dr Piet Koornhof try to tell us that there have been improvement to the system, and most of the problems



I have already discussed the improbability of solidarity in general force *of* "Response." (page) *portant that* members; if extension al gardens at membership, others to start evelopment:

have been ironed out. But one only has to ask people at the Black Sash, who have to deal with problems like these daily. The misery. The frustrations. The anger. It's all there in the people who are treated as if they are criminals simply because of some endorsement (or lack of it) in their documentation. There is no doubt that, no matter how hard Dr Koornhof tries, there is no way an evil system can be applied humanely. As long as officials have laws under which they operate, to expect them to generously give "concessions" is perhaps expecting too much of civil servants who think they own the country. The only solution is to scrap the laws. Nothing less will remove the hatred and anger caused by the pass laws.



**BLACK SASH CONFERENCE**

# Labour laws which turn men into exiles

LDR is a black man prevented by law from living with his wife and four children — because he was born in Potgietersrus and they were born in Johannesburg.

He has been in Johannesburg since 1972, working on annual contracts. During that time he met his wife, and they made a home and had a family. Then he was retrenched from his last job.

Now he has been told to go back to Potgietersrus and wait there until a job offer is made to him through the local Labour Bureau.

If he is lucky enough to get a job, there is no guarantee it will be in Johannesburg. He may never again live legally with his family.

He was one of 13 435 people who went to the Johannesburg Advice Office of the Black Sash last year to ask for help. He was one of the 7 587 who could not be helped.

## CATEGORIES

The annual report of the Advice Office, presented today, says 1980 was the worst year on record for black problems with repressive legislation.

The report cites seven separate categories of people who sought help in the 12 months to January 1981.

● **Those with jobs, who are not allowed to work.**

"It is simply not true that anyone who has a job and accommodation can be registered. This applies only to people who have

Section 10 rights in the urban areas." Rural blacks must wait in their home areas until the Labour Bureau requisitions them or a recruiting agent arrives.

To make things worse, recruitment has been cut back (as recommended by the Riekert Commission)

● **Those designated as farm labour.**

"Black people who have grown up on white farms are not allowed to work in town. They are categorised as farm labour, and whether they are employed on a farm or not they will not be registered in any job they find in town." Since the introduction of the R500 fine for employers using unregistered labour, scores of these people have been fired or refused work.

● **Migrant workers**

"Migrant workers who are caught up in the annual contract system are placed in categories of labour and are not allowed to change from those categories. This puts strict limits on the upward mobility of workers as they acquire new skills."

● **Foreigners**

There were 46 712 less foreign blacks registered in employment in 1980 than in 1979. Foreign blacks are being refused registration, or even re-registration, and ordered home. "Over and over again black people, both South African citizens and foreigners, contrast with great bitterness the way they are treated compared to the encourage-

ment and welcome laid on for white immigrants."

● **Those with housing problems**

"Even those who can afford to buy a house under the 99-year leasehold are told there are no houses. Complaints about bribery and corruption are rife."

● **Those with citizenship problems.**

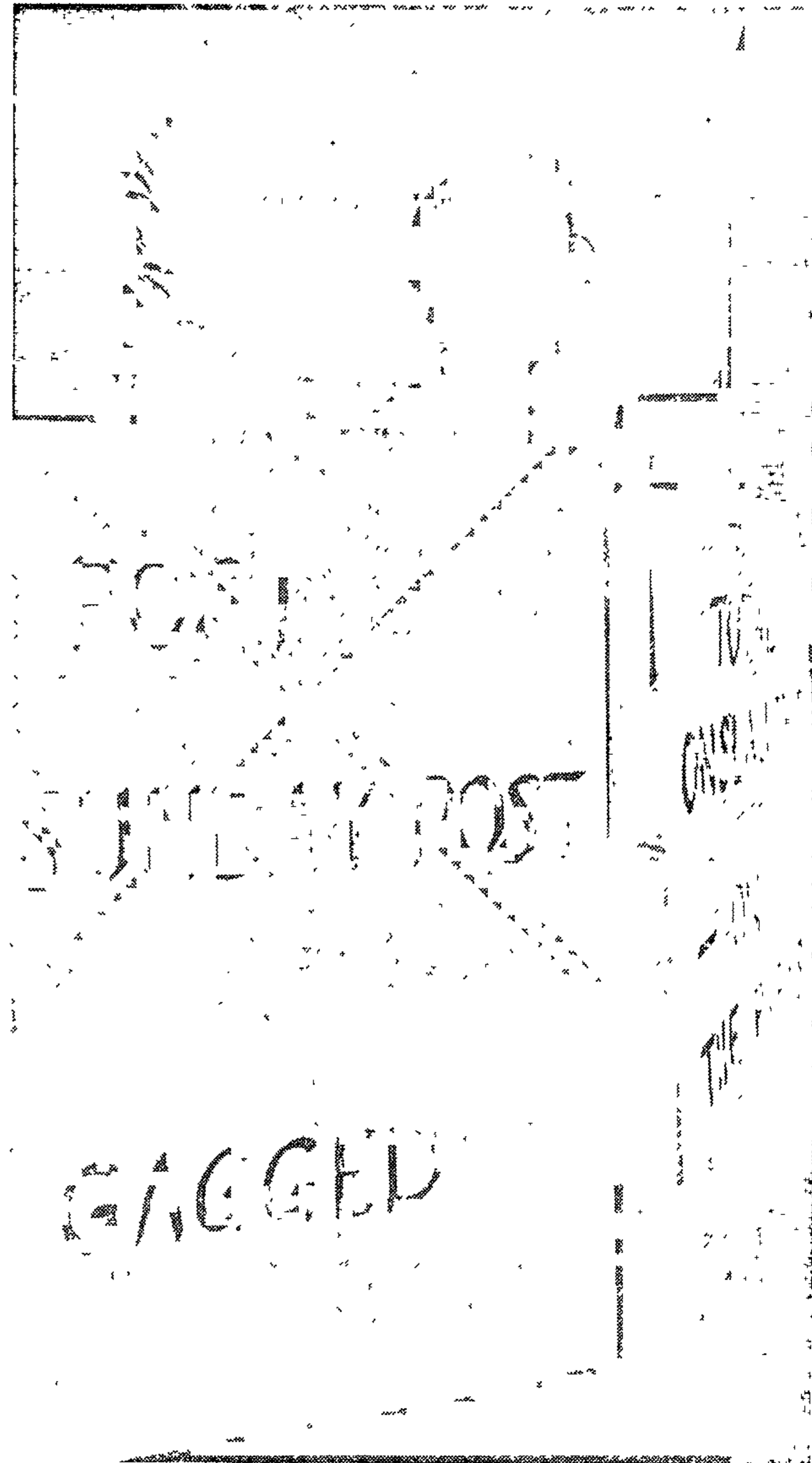
Since 1976, over 6,75-million black South Africans have lost their citizenship because their "homelands" became independent. All children born to these people after the date of independence, regardless of place of birth, are foreigners.

● **Those with Section 10 problems.**

Even those few rights entrenched in law are often denied to blacks. Section 10 (1) (b) rights, attainable after 10 years continuous work with the same employer, are being withheld from migrant workers on the grounds that annual contracts — even with the same employer — are not continuous. Striking workers are endorsed out of cities as a matter of course, regardless of their registration.

The report ends "We can only watch the anger and bitterness growing as promise after promise turns out to be hollow, as the economic boom brings no hope to the majority, as people are deprived of land and citizenship and of all legal rights to participation in either the political or economic structures of their country."

"It will give us no pleasure to say 'We told you so' when the inevitable happens."



National president of the Black Sash, Mrs Joyce Harris, during her most recent protest against repressive Government legislation — in this instance the effective banning of the black newspapers Post and Sunday Post.

# City blacks: Court decision ignored — Sash

2006  
August 16/3/81

GRAHAMSTOWN. — In spite of an Appeal Court judgment last year which established the right of many blacks to live legally in urban areas, commissioners and administration boards were consistently refusing permission.

Mrs Sheena Duncan, national vice-president of the Black Sash, told its national conference in Grahamstown at the weekend she found it a 'significant departure' when a court's ruling was consistently ignored.

Delivering the report of the Johannesburg advice office of the Black Sash, Mrs Duncan said judgment in the appeal of Mr Veli Komani was handed down by the Appeal Court in August 1980.

## QUALIFIED

The judgment meant that the wife, unmarried daughter or son under 18 who was living with a man who had Section 10 rights to be in an urban area, qualified under Section 10 1 (C) also to live there. Its effect was that the dependents in these cate-

gories of a man who had been born and always lived in an urban area (Section 10 1 (A)) or who had been lawfully resident there for 15 years, or employed continuously in one job for 10 years (Section 10 1 (B)) also had a right to remain there.

Mrs Duncan told the conference that the Black Sash had been trying for years to have a test case to establish this right, but the joy with which we welcomed this long-sought judgment was short-lived.

In practice, she said, the administration was frustrating the court's judgments.

'Every case has to be fought through all the administrative procedures, ends up being referred to an attorney and is won only when Supreme Court action is threatened.'

Mrs Duncan said that Section 10 1 (C) rights had originally been intended to apply to the wives and children of urban black men, but that the categories had been more narrowly defined in 1964 and these rights denied since.

## CIRCULAR

When Mrs Helen Suzman of the Progressive Federal Party had asked a question in Parliament about the effects of the Komani judgment, the Minister of co-operation and Development, Mr Piet Koornhof, had replied that he had sent a circular to all commissioners and administration boards two weeks after the judgment.

'We would very much like to know the contents of that circular,' Mrs Duncan said.

The same technique of denying rights was being used on the issue of migrant workers who had been continuously employed by one employer for more than 10 years.

'Rights have been denied because officialdom maintains that because a new contract is attested every year, as required by law, the employment is not continuous,' — Sapa.

# Blacks

# 'Still

# forced to move'

2006  
August 16/3/81

# to move'

Argus Correspondent

JOHANNESBURG. — The Government was still forcing large numbers of black people to move to resettlement areas, in spite of its assurance last year that moves would not be made without the consultation of and agreement from the people concerned.

A paper on The Lie of Voluntary Removals at the Sash national conference yesterday said the Government was using methods of coercing people to move, other than those of policemen with guns, dogs and trucks.

One method cited was official refusal to improve or service existing facilities, coupled with promises of new land, homes, schools and clinics available in the new area.

This was the tactic used to move the people of Valspan to Pampierstad, in Bophuthatswana, a distance of 26 km.

## TRANSPORT

The Government quotes international surveys proving that 60 to 75 km is not an unreasonable daily travelling distance to and from work. What they neglect to point out, is the efficient transport system which goes with such planning in other countries.

A second way is for the Government to allow independent homelands to exert pressure on unwanted people.



# Blacks winning in courts losing to red tape

RDM  
16/3/81 Own Correspondent 206

GRAHAMSTOWN — In spite of an Appeal Court judgment last year which established the right of many blacks to live legally in urban areas, commissioners and administration boards were consistently refusing permission

Mrs Sheena Duncan, national vice-president of the Black Sash, told its national conference in Grahamstown at the weekend she found it a "significant departure" when a court's ruling was consistently ignored

Delivering the report of the Johannesburg advice office of the Black Sash, Mrs Duncan said judgment in the appeal of Mr Veli Komanl was handed down by the Appeal Court in August, 1980

The judgment meant that the wife unmarried daughter or son under 18 who was living with a man who had Section 10 rights to be in an urban area, qualified under Section 10 1(c) to also live there

Its effect was that the dependants in these categories of a man who had been born and always lived in an urban area — Section 10 1(a) — or who had been lawfully resident there for 15 years or employed continuously in one job for 10 years — Section 10 1 (b) — also had a right to remain there

Mrs Duncan told the conference that the Black Sash had been trying for years to have a test case to establish this right, "but the joy with which we welcomed this long-sought judgment was short-lived"

In practice, she said, the administration was frustrating the court's judgment

"Every single case has to be fought through all the administrative procedures, ends up being referred to an attorney, and is only won when Supreme Court action is threatened"

The same technique of denying rights was being used on the issue of migrant workers who had been continuously employed by one employer for more than 10 years

"Rights have been denied because officialdom maintains that because a new contract is attested every year as required by law, the employment is not continuous"

The Minister of Manpower Utilisation, Mr S P Botha, was challenged at the conference to "begin the pro-

cess of introducing a free labour market" by removing restraint on contract workers

A statement from the Black Sash says two years ago the Minister of Co-operation and Development, Dr Piet Koornhof, expressed surprise that the practice of categorising blacks that had grown up on white farms as "farm labour" for the rest of their lives, still took place. This also applied to other categories of workers.

The conference also heard that "the implementation of recommendations of the Riekert Commission had resulted in an increasingly stringent crackdown on labour in the Transvaal

According to a report, unemployed and unskilled workers who had become redundant due to the increase in mechanisation were being removed to the homelands to defuse any threat they might pose in the urban area

# PASS BILL SLAMMED

South African  
16/3/81

AMENDMENTS to the controversial Pass Laws Legislation — so criticised when it was introduced late last year that it was withdrawn for redrafting — cannot make the bill less discriminatory or more acceptable

Black Sash national vice-president Mrs Sheena Duncan told the national conference yesterday that "hurtful discrimination" — as the minister (Dr Koornhof) is fond of calling it — is an integral part of the structure of the present South African system

"The very existence of Dr Koornhof's portfolio and department is discriminatory, and any legislation which applies to one racial grouping

and not to others is discrimination and will remain hurtful and unjust

"The only question is where the line is to be drawn between those who are included in and those who are excluded from certain privileges.

"This is what apartheid is all about, and its current implementation is most clearly set out in the Riekert Commission's report which is the basis of the new legislation"

Mrs Duncan said recent statements by Dr Koornhof indicated that the new Bill "must have been radically altered" from its predecessor. But no alterations or changes could make it just or acceptable.



# 2m blacks have left 'white' SA

CT 17/3/81  
226  
206

## Staff Reporter

A NET total of two-million Africans had left "white" South Africa for the "homelands" in the past 20 years, according to a University of Cape Town study.

The study was published by the Southern Africa Labour and Development Research Unit (Saldru), attached to UCT's School of Economics.

Entitled "The distribution of the African population of South Africa by age, sex and region-type 1960, 1970 and 1980", the study was undertaken by a Saldru staff member, Mr C E W Simkins.

It set out to estimate the distribution of the African population by age and sex in four main types of region — metropolitan areas, "other towns" in "white" areas, "white" rural areas and "homelands".

"Metropolitan areas" included Cape Town, East London, Kimberley, Port Elizabeth, Durban, Maritzburg, the Witwatersrand, Pretoria, the Vaal Triangle, Bloemfontein and the Free State goldfields.

## Lower proportion

Mr Simkins found that the proportions of African men and women in the metropolitan areas had dropped over the period 1960 to 1980.

The proportion of men and women in the other urban areas remained stable. The proportion of men and women in "white" rural areas dropped sharply, with a corresponding increase in the "homelands".

"In 1960, 40 percent of the African population was resident in

the homelands. By 1980 this figure has risen to 54 percent," Mr Simkins said.

Contract and illegal worker patterns showed up quite clearly in figures showing net emigration and immigration by blacks from "white" urban areas generally.

This could be seen in a net emigration of old people and young people of below working age from these areas, and a net immigration by young people of working age which was more marked in the case of men than that of women.

Except for children, there had been emigration in all age groups and of both sex groups from "white" rural areas.

"The net exodus of 1¼-million from 'white' rural areas has been considerably larger than the ¾-million from the metropolitan and other areas combined."

Except for women and men aged between 15 and 24, there was a corresponding net immigration into the homelands. The system of population distribution was tending towards stability, Mr Simkins said.

"All this suggests that the combination of incentives and disincentives and administrative controls facing Africans is having the desired effect, from the State's point of view, on the location of population."

Political comment by A H Heard, G E Shaw, R A Norval, J V Scott, W P Harris and M P Acott. Headlines and sub-editing by A J Moth, L Raubenheimer, W Odendaal and T Stefano. Cartoons by A Grogan. All of 77 Burg Street, Cape Town.

# 6m have lost SA 'citizen rights'

Own Correspondent

GRAHAMSTOWN — More than 6 750 000 blacks had ceased to be South African citizens because of the independence of Transkei, Bophutha-Tswana and Venda — and another million would probably be deprived of citizenship when the Ciskei became independent on December 4, the Black Sash conference was told at the weekend.

A report by the organisation's Johannesburg Advice Office said the dilemma facing Xhosa-speaking people who had opted for Ciskei citizenship to avoid losing their rights as South Africans was particularly sad, because they would lose them anyway when Ciskei became independent.

This was being brought home every day as people called at Black Sash advice offices to ask why they had been refused reference books — and were compelled to carry passports.

"It is bad enough having to tell a man whose family has lived on the Witwatersrand for many generations that he is now no longer a citizen of South Africa, but legally belongs to some place he has never seen. It is worse to have to explain that, in terms of the 1978 amendment to Section 12 of the Urban Areas Act, his children born after independence will have no legal rights in 'white'

South Africa, but will be allowed to remain by permit — as if they were 'proper foreigners' from neighbouring countries."

The report also said the housing shortage in Soweto was chronic. The official waiting list for houses was now 23 000, but the real need was much greater. During 1980, the West Rand Administration Board (Wrab) built no houses in Soweto, though private owners built 420.

"People come in with documents to show that they have been on the waiting list since 1970, and even those who can afford to buy houses under the 99-year leasehold scheme are told there are none."

The Johannesburg Advice Office had never had a worse year than 1980, the report said.

"It is useless to go on and on warning white South Africans of what they are doing. We can only watch the anger and bitterness growing as promise after promise turns out to be hollow, as economic boom brings no hope to the majority, as people are deprived of land and citizenship and of all legal rights to participate in either the political or the economic structures of their country."

"It will give us no pleasure to say 'we told you so' when the inevitable happens," said the report.



# Duncan hits out at fingerprinting

WHITE consent to legislation demanding the fingerprinting and compulsory documentation of all races is subservient to an already too-powerful bureaucracy, and a spurious legitimising of discrimination.

This hard line was taken at the Black Sash conference yesterday in a paper on Fingerprinting — Total Strategy and Total Control, by national vice-president of the organisation Mrs Sheena Duncan

Mrs Duncan said: "It is astonishing that this proposed legislation should have aroused so little public protest

17/5/68  
QUESTION

"Some people seem to think that it will serve white South Africans right to be subjected to pass laws and to the same indignities and controls which have been suffered by black people for so long

"This argument fails to take into account that the extension of fingerprinting and control to all groups in a sense legitimises and entrenches the fingerprinting of Africans, because it can no longer be fought on the grounds that it is discriminatory."

She said, too, that the extension of the system will not mean any less harassment of blacks. They will be "increasingly victimised."

Man is

CT 17/3/81  
fined,

held

507 206  
again

Staff Reporter

A MAN who was yesterday fined R10 (or 10 days) in the Langa Commissioner's Court on a charge of trespassing, was rearrested just as he was about to pay the fine

Buzile Ganta was charged with being in the Peninsula for more than 72 hours without obtaining a permit, failing to produce his identity document and trespassing at the Langa Barracks

His arrest followed the raid at the barracks last Wednesday when 60 people were held

Yesterday the first charge was withdrawn, he was cautioned and discharged on the second and fined R10 (or 10 days) on the last charge

An inspector of the Western Province Administration Board, Mr P J Smit, told the court he had arrested Ganta at the barracks about 6 30 am on Wednesday

Defence counsel for Ganta, Mr B Pienaar, told the court his client intended to lay charges against the Administration Board

When he was asked why he had stayed at the compound, Ganta told the court his wife came to Cape Town for medical treatment and he had to stay with her at the barracks

He was then found guilty and was sentenced. Before he could pay the fine, an Administration Board inspector told him he was being arrested for resisting arrest

Ganta decided not to pay the fine and was taken back into custody

The commissioner was Mr L van Wyk and Mr W Mgumane prosecuted



RAM  
Study  
shows  
a 2m  
black  
exodus

18/3/81  
206  
RAM

Own Correspondent

CAPE TOWN — A net total of 2 000 000 blacks have left white-designated South Africa for the homelands in the past 20 years, according to a University of Cape Town study.

And the author concludes that the exhaustive survey "suggests that the combination of incentives and disincentives and administrative controls facing Africans is having the desired effect, from the State's point of view, on the location of population".

It was published by the Southern Africa Labour and Development Research Unit (Saldru) attached to UCT's school of economics.

Titled "The distribution of the African population of South Africa by age, sex and region-type 1960, 1970 and 1980", it was undertaken by a Saldru member, Mr C E W. Simkins.

It set out to estimate the distribution of the black population by age and sex in four main types of region — metropolitan areas, "other towns" in "white" areas, "white" rural areas and homelands.

Mr Simkins found that the proportion of blacks living in the metropolitan areas dropped between 1960 and 1980.

The proportion of blacks in the other urban areas remained stable. The proportion in "white" rural areas dropped sharply, with a corresponding population increase in the homelands.

"In 1960, 40% of the African population was resident in the homelands. By 1980 this figure had risen to 54%," Mr Simkins said.

Contract and illegal worker patterns showed up quite clearly.

This could be seen in a net emigration from "white" rural areas of old people and young people below working age, and a net immigration result for young people of working age.

In "white" rural areas, there had been emigration in all age groups — except children — and of both sexes.

The net exodus of 1 250 000 from "white" rural areas has been considerably larger than the 750 000 from the metropolitan and other areas combined.

Except for women and men aged between 15 and 24, there was a corresponding net immigration into the homelands.

Argus 18/3/81  
**Court ruling:**  
 (206)  
**Woman can stay**

THE Cape Town Supreme Court today ordered that a woman who had been endorsed out of the Western Cape be allowed to remain in Stellenbosch

Mrs Harriet Mtyingizane, 24, a mother of four, took legal action against the Western Cape Administration Board after she was given four days to leave the Stellenbosch area where she has lived all her life

Last month Mrs Mtyingizane made an urgent application and was granted a month's reprieve

The order became final today

Miss Justice van den Heever also ordered that the Western Cape Admini-

stration Board should pay the cost of the application

Mrs Mtyingizane has been fighting to stay in Stellenbosch, her home town, for the past 10 years.

Her house was demolished even though her husband, Mr Tuza Mtyingizane, was still a legal resident of the area.

Mrs Mtyingizane went to Transkei in 1970 with her husband for a six-month stay with his parents.

When she returned her reference book was cancelled and she was ordered to return to Transkei Mrs Mtyingizane who knew no one in Transkei and had no family there, did not return and during the next two years she

was fined several times for being in the Stellenbosch area 'illegally'.

When she went to the Board in an attempt to sort out the confusion about her residence in Stellenbosch, she was given a temporary permit but this was revoked a few months later

Mr N Willis instructed by Malinick, Rees Richman and Cloenberg, appeared for Mrs Mtyingizane.

Number of farmers	Additional workers
3	2 - 3
2	'a few'
2	0

at current wages:

Distribution of farmers by estimates of additional workers available

TABLE 42.

It has often been said that farmers always complain of a labour shortage. The farmers interviewed in this survey are a notable exception: of 31 farmers, 15 said outright either that there was no shortage at current wages or that they personally did not suffer from a shortage; one said simply that there were fewer people asking for work than there had been 10 years ago; 7 said there were plenty of surplus workers around but either they were not prepared to work or they were not 'suitable' (sober, reliable, responsible and hard-working); 4 were not prepared to commit themselves and only 4 said they noticed a shortage, of both skilled and general workers. Asked how long it would take to double their labour forces (at current wage rates), 3 farmers said it would be impossible, 8 did not know and 19 gave replies ranging from a few days (to find 5 workers) to 3-4 months (to find 17 workers). However, several farmers added the rider that it would take considerably longer to find 'good' or 'trustworthy' workers. One farmer said it would take him 6 months to find any workers at all. When the question was asked in a slightly different form - 'How many additional workers could you find at current wages?' - the replies were:



# Fingerprint computer causes errors—Sash

By Michael Phalatse

The Johannesburg office of the Black Sash helps at least 80 blacks every month to correct mistakes in their passes which have been caused by the Government's fingerprint computer system.

This was revealed yesterday by the organisation's national vice president, Mrs Sheena Duncan.

She showed the Star records of people who had been either endorsed out of Johannesburg or declared citizens of other countries due to mistakes in fingerprint records.

A Soweto man struggled for more than 18 months to prove he was a South

African citizen after the records had classified him as a Lesotho national.

"He reported his case in June 1979. It took our office up to last month to prove the man was born in Johannesburg," said Mrs Duncan.

Another man was born in Braamfontein but the computer recorded his birth place as the Lebowa homeland near Potgietersrus.

"This affected his job opportunities and it meant he had to fall under the contract labour system. He now has a job in Germiston but because his fingerprints were wrongly filed, he had to battle all the way to

prove he was born in Johannesburg," said Mrs Duncan.

Other examples of mistakes in the fingerprint system are

● A young man applied for a reference book in Natal where he had been attending school and staying with a guardian. When he returned to Johannesburg his father applied for another reference book and so the computer had two sets of fingerprints for one person.

"After 15 years the man lost his reference book and when he applied for a duplicate the computer produced the Natal fingerprints and the man strug-

gled to correct the mistake.

● A young woman applied for a reference book and for some reason it was issued to another person. The authorities insisted they had given it to the right applicant.

● A man applied for a duplicate reference book and was issued with one with a different name and number from the original.

Mrs Duncan said of the 1 100 cases her office had dealt with at least 10 percent had problems caused by faulty fingerprinting computer system.

At the Black Sash congress in Grahamstown earlier this week, she warned the new compulsory fingerprinting for the entire population was going to hit blacks even harder.

marketing problems existing here would arise if the other, smaller gardens expanded to a similar size.

## 4.2.5 IPOFI GARDEN

1. This garden was actually started in July 1977 although the land was fenced and allocated years earlier. The garden was started by a re-vitalised Zenzele which was motivated by a clinic sister as part of her attempts to help very poor people get some sort of income. Ipoti has an exceptionally high proportion of "home" gardens (60% of houses have gardens). Many of the people have worked on white farms and the local Zenzele stress the nutritional benefits of growing vegetables. Most members of the communal garden have home gardens - they say that the home gardens produce for home consumption and the communal garden is for selling. In this area the very poorest people are joining. All the plots have been allocated and since members are still joining the garden will have to be extended.

2. Organisation: Not communally run. Individuals work their own plots for their own benefit.

3. Marketing: Sales from the first crop (which did not have a high yield) varied between R2 - R6 per member.

## 4.2.6 IDOLOPHU GARDEN

I will discuss this garden in more detail here, as by its nature it does not really come into the comparative discussion of the other gardens. Just after independence N.M. and other Zenzele women decided to form a Idolophu branch so that they could arrange receptions to welcome all the new Black officials who were replacing the whites. They applied for a site for a communal garden for this branch and were allocated half of the one field which is in town and on the banks of the Sterkspruit River. A pump is provided and worked by the agricultural department who use the other half of the garden as a demonstration plot. The field was ploughed in September 1977 and instead of the 22 members which had been mentioned by the Zenzele members there were only four. There are six members now, all of whom are professional people or wives of the top officials in Umlaba. Some plots have been re-allocated from original members who never used them.

Because nobody worked their plots in September 1977 N.M. bought seed and hired labourers and used them. Now however 2 members are using their's individually and 3 others have combined into a group which divides costs and profits.

# Map shuffles move 2m to homelands

RDM  
15/3/81  
206

By PATRICK LAURENCE  
Southern Africa Editor

THE redrawing of boundaries had helped to account for the "emigration" of nearly two million blacks from white-designated areas to the homelands, Mr Charles Simkins, of the Southern Africa Labour Research and Development Unit (Saldru), said yesterday.

In a recent paper on the distribution of blacks, Mr Simkins found that about two million emigrated to the homelands between 1960 and 1970.

Asked in an interview to what extent the "emigration" was because of the redrawing of boundaries to include in the homelands black townships situated near white-controlled cities, Mr Simkins said it was appreciable.

He cited, for example, the inclusion into KwaZulu of Kwa-Mashu, which some observers regard as a dormitory township for Durban. It has a population of 115 000.

Other townships brought within homeland frontiers by the shifting of boundaries

include Kwa-Mashu's sister township of Umlazi and Mdantsane, near East London.

But, Mr Simkins said, the movement of blacks from white-owned rural areas made a bigger contribution to the "emigration" of blacks to the homelands.

Of the two-million people who emigrated to the homelands, about 1 250 000 came from "white" rural areas compared with about 750 000 from metropolitan areas and smaller urban centres.

He identified three processes involved in the movement of blacks to the homelands:

- Forced resettlement, where blacks were removed from white rural areas to settlement centres in the homelands,
- Eviction of black labourers by white farmers, without forcing them to go to the homelands,
- Voluntary movement by black labourers from white-owned farms to the homelands.

Mr Simkins said Hansard evidence pointed to the forced

removal of about 600 000 blacks from white-owned rural areas in the 70s.

He did not specifically cite the situation in QwaQwa in his study. The population there rose nearly fourfold between 1970 and 1980 — from about 25 000 to 100 000.

Previous studies have shown that many of QwaQwa "immigrants" were farm workers who went there voluntarily in search of land, and with plans to join the stream of migrant workers to the cities and mines.

Mr Simkins' study highlighted an apparent anomaly in the "emigration" figures from the metropolitan centres.

While the proportion of black men and women declined generally by nearly a fifth between 1960 and 1980, there was a small increase in the proportion in the economically active 15-29 age group.

He said "All this accords with a policy of minimising the number of not economically active Africans in the (white) urban areas."



# Prison preferable to ~~206~~ ~~240~~ ~~124~~ homelands'

Angus 19/3/81

0,55  
0,09  
0,18  
0,88  
0,90  
0,59  
0,66  
0,67

5  
9  
5  
5  
7  
11\*  
6\*  
7\*

xy

Correlation coefficient

Payment and

three r > 0,7  
five, which is

0,31  
0,03  
0,79  
0,62  
0,03  
0,14  
0,38  
0,62  
0,10  
0,83  
0,76  
0,35  
0,56

PRISON would be a better prospect than returning to the homelands for most of the residents facing eviction from the Langa barracks.

This was the feeling of residents interviewed at the barracks yesterday. They have been given until Monday to evacuate the squalid and overcrowded main barracks in Langa.

You don't think we would be living in a place like this if we had a home to go to,' a woman said.

In spite of pass raids at the barracks last week, about 60 people were arrested in a pre-dawn swoop by Administration Board inspectors and not police. There are still more than 500 people staying there according to a list of families supplied by a resident.

Most of the residents are former squatters from Hout Bay, Kullarney and Table View.

### ASSURANCES

Many claim the board promised them jobs and accommodation if they voluntarily broke down their shacks in these areas. They also claim that they were given official assurances that no one receiving medical attention would be evicted from the barracks.

The residents were given temporary permits to stay at the barracks when they were moved from squatter camps.

The chief director of the board, Mr A A Louw, said they had overstayed their welcome. The barracks were to be renovated by two private companies to house their employees.

The residents said they had nowhere else to go and the homelands were no alternative.

'We don't have homes to go to in Transkei. There are few medical facilities and sickness is rife. There is little food and starvation and poverty are common,' according to the residents.

Mr Louw said it was originally explained to the residents that the accommodation was temporary to enable them to

Receive medical treatment in the case of people who were receiving treatment at the time of removal from the squatter camps.

Obtain free rail warrants to return to their place of origin.

He said it eventually transpired that those people who were offered free rail warrants refused them.

The residents spoken to yesterday said they would rather go to Pollsmoor Prison than to the homelands.

Work force Ave in

Individual farm

surprised

However,

On

includes on \*

6\*  
7\*  
5  
5\*  
6  
5  
6  
5  
9  
5  
7  
11  
7

5,32  
7,79  
13,69  
20,23

xy

Correlation coefficient

Average payment (cash plus kind) in R per week

Average length of service (years)

Work force

Individual farms; work force, average length of service, total payment and correlation coefficient.

TABLE 39



# MANASSIVE PASSES PASSES COURTS

S. Tubwe

22/3/81

206

CIVIL SERVANTS instruct supposedly independent prosecutors and presiding officers in commissioner's courts on how to deal with pass offenders, it has been claimed in a report.

The report, on gross abuses in the Government's system of trying pass offenders, has been presented to the Attorney-General of the Transvaal.

It was compiled by a former commissioner's court prosecutor, Adam Klein and was requested by the Attorney General's office as a means of investigating the alleged abuses.

Although the Attorney General's office was given the report nearly two months ago, it still has not been passed to the Department of Co-operation and Development, which runs the commissioner's court.

The Leader of the Opposition, Dr Van Zyl Slabbert, this week called on the Government to appoint an independent commission of inquiry to investi-

$n = 127.$ ,  $\bar{x} = 9,60$  years.,  $\bar{y}$

12,51 -15	1	1	1	
15,01 -17,50				
17,51 -20	1		2	
>20				
TOTAL NO. OF WORKERS	47	15	8	

**BY WILLIAM SAUNDERSON MEYER**

offenders arrested — a circular to officials instructed them to colour the statistics to present a favourable picture

He said black common law criminals, on their release were often taken directly to the aid centre, where they were either endorsed out or prosecuted as pass offenders.

The report says the decision by the Minister of



Civil  
servants  
meddle  
in  
judicial  
process,  
claims



# 62-page report

Adam Klein . . . gross  
abuses in pass law  
courts

gate the claims in the Klein Report, or to expand the terms of the Hoexter Commission, now investigating the possibility of intermediary courts, to investigate the commissioners' courts.

He also called for an immediate end to pass law prosecution.

Mr Klein, a former year as a commissioner's court prosecutor in protest at the way in which he said judicial principles were being flouted in these courts.

Afterwards, he was arrested and his documents removed from his Pretoria flat. A charge of theft was later withdrawn by the Attorney-General.

The 62-page report is based on cases heard at the Pretoria Commissioner's court between January 1979, to September 1980. It quotes case numbers, names of accused and verbatim court testimony.

It also quotes from official circulars of the Department of Co-operation and Development to show that the supposedly independent prosecutors and presiding officers were subject to instructions and interference from civil servants on how to deal with pass offenders.

In a circular dated January 19, 1978, court officials are instructed to postpone cases for four days, with the prisoner held in custody, so that officials at the Government's so-called aid centres can update their records.

This occurs even though the prisoner may have pleaded guilty and there could be no reasonable cause to delay sentence on such a minor offence.

The aid centres, which can grant permission for a black to remain in an area and issue the necessary documents, are described in a departmental circular "as having a useful function in identifying problems in labour control".

It goes on to say: "Bantu who experience problems are encouraged to report (to the aid centres). Such Bantu are probably also influx control offenders who have not yet been arrested."

According to the Klein report, these people are then arrested by the aid centre official and "processed". The name aid centre is misleading. Anything but aid is practised here.

Mr Klein said in an interview the aid centres were also being used to obscure the true statistics of the number of pass

men. Dr Piet Koornhoff, to drop the 72-hour provision experimentally in Pretoria and Bloemfontein is being ignored. The provision makes it an offence for a black to remain in a prescribed area for more than 72 hours without the correct documentation.

At the time of the repeal of the regulation, all the court officials were called in and explained to them by a department official: "The Honourable Minister has dropped the 72-hour regulation. What does this mean? It means that a black may now not enter a prescribed area for a single hour."

The aid centres have systematically and through the back door entered the courts. Not only do they implement judicial functions in hidden-away Government offices, but they use unconventional methods such as interrogation to obtain information for record purposes.

"When the aid centres soon deploy their full authority, the court (the little judicial authority that there was) will have to stand in their shadow," the report states.

Other details from the report are:

- The traditional obligation on prosecutors to decide whether to proceed with a prosecution is taken over by civil servants. Commissioner's court prosecutors receive their instructions from the aid centres, the presiding officer at the court or the commissioner himself.

- The judicial precepts that for minor offences the accused should be warned or summonsed, rather than arrested, is ignored.

- In only 50 of these cases was bail granted and then the amount was set so high that most of the accused could not pay it.

Mr Klein concluded his report: "Irregularities? I believe that a system such as this will always produce irregularities. If you want to lock away hundreds of people a day, how can cases be heard according to the sound principles of the law?"

Mr J. Mills, of the Department of Co-operation and Development, said that he could not comment on the report because his department had not yet received it from the Attorney-General.

*Sunday Tribune*  
22/3/81  
200

A FORMER school teacher who witnessed a pass raid in Guguletu yesterday said it was the "most disgusting sight he had ever seen".

Mr Lincoln Ramlane of Mitchell's Plain said he regularly walked from Lentegeur to Guguletu to keep fit. "I walk through the so-called zones. These are the distressing 'homes' for migrant labourers," he said.

Mr Ramlane said the raid took place just before midday yesterday in the area opposite the Nyanga railway station. He said he

# Raid most disgusting Sight I've seen — teacher

206  
AP/PLW 19/3/81

watched for about 45 minutes

Women were fleeing helter-skelter. Five vans pursued a group of girls. Some people hid in the bushes and others ran towards the railway line. He said the authorities arrested people indiscriminately and then freed some.

The chairman of the Western Cape Administration Board, Brigadier J H van der Westhuizen, said 43 people had been arrested during 'routine' raids yesterday.

He said a section of the

inspectorate worked on raids daily and yesterday's was not a special occasion.

People were arrested for being in the area illegally or for not producing identity documents or reference books.

Brigadier van der West-

huizen said the number of people arrested each day fluctuated and he gave some examples.

On Tuesday, 46 people were arrested. On March 12 there were 70 arrests on March 11, 47, and on March 10, 32 were arrested



RDM 19/3/81 (206)

# Eviction by Western Cape Board illegal

CAPE TOWN — The Cape Town Supreme Court today ordered that a woman who had been endorsed out of the Western Cape be allowed to remain

Mrs Harriet Mtyingizane, 24, a mother of four, took legal action against the Western Cape Administration Board

after being given four days to leave the Stellenbosch area where she has lived all her life

Last month Mrs Mtyingizane made an urgent application and was granted one month's reprieve. The order became final today

Miss Justice L van den

Heever also ordered that the Western Cape Administration Board should pay the cost of the application

Mrs Mtyingizane has been fighting to stay in Stellenbosch, her home town, for the past 10 years

Her house was demolished even though her husband, Mr

Tuza Mtyingizane, was still a legal resident of the area

Mrs Mtyingizane went to Transkei in 1970 with her husband for a six-month stay with his parents

When she returned her reference book was cancelled and she was ordered to return to Transkei

**Court  
overrules  
pass  
endorsement**

(206)  
SOUTHERN  
13/51

THE Supreme Court in Cape Town yesterday ordered that a woman who had been endorsed out of the Western Cape be allowed to remain in the Stellenbosch area for more than 72 hours.

Mrs Harnet Mtyingizane (24), a mother of four, took legal action against the Western Cape Administration Board after she was given four days to leave the Stellenbosch area where she has lived all her life.

Last month Mrs Mtyingizane made an urgent application and was granted a month's reprieve.

The order became final yesterday.

Miss Justice van den Heever also ordered that the Western Cape Administration Board should pay the costs of the application.

Mrs Mtyingizane has been fighting to stay in Stellenbosch for the past ten years.

**DEMOLISHED**

Her house was demolished even though her husband, Mr Tuza Mtyingizane, was still a legal resident of the area.

Mrs Mtyingizane went to Transkei in 1970 with her husband for a six month stay with his parents. When she returned her reference book was cancelled and she was ordered to return to Transkei.

Mrs Mtyingizane, who knew no one in Transkei and had no family there, did not return and during the next two years she was fined several times for being in the Stellenbosch area "illegally."

Then she went to the board in an attempt to sort out the confusion about her residence in Stellenbosch. She was given a temporary permit but this was revoked a few months later.



# Influx laws having desired effect - UCT

APR 13/81 (306) 2/11

LAWS like the State's influx control law have had a dramatic effect on the proportion of Africans in 'white' South Africa in the past 20 years, according to a University of Cape Town study.

A net total of 2 million Africans have left for the homelands. In 1960 40 percent of the African population was resident in the homelands. By 1980 this figure had risen to 46 percent.

All this suggests that a combination of incentives and disincentives and administrative controls inducing Africans is having the desired effect (from the State's point of view) in the location of the population, the survey says.

The study was published by the Southern Africa Labour and Development Research Unit (Saldou) attached to UCT's School of Economics.

## DISTRIBUTION

Entitled 'The Distribution of the African Population of South Africa by Sex and Region type

1960, 1970 and 1980,' the study was undertaken by a Saldou staff member, Mr C. W. Simkins.

The study estimates the distribution of the African population by age and sex between the four main types of regions in South Africa — metropolitan areas, other towns in white areas, white rural areas and homelands.

'Metropolitan areas' include Cape Town, East London, Kimberley, Port Elizabeth, Durban, Maitzberg, the Witwatersrand, Pretoria, the Vredendriehoek, Bloemfontein and the Free State goldfields.

## STABLE

Mr Simkins found that the proportions of African men and women in the metropolitan and white rural areas had dropped sharply while the proportion of men and women in other urban areas remained stable.

Contract and illegal worker patterns show up clearly in the metropolitan and other urban areas where the net emigration

of both young and old, and people of working age is much more marked in the case of men than in the case of women.

There has been emigration in all age groups except for children from the white rural areas for both men and women between 1960 and 1980, the report says.

## LARGER

The net exodus of 1.25 million from white rural areas has been considerably in excess of the 0.75 million from metropolitan and other urban areas combined.

Mr Simkins said that except for women and men aged between 15 and 24 there was a corresponding net immigration into the homelands.

In general, the system is tending to the stable state as can be seen from the drop in the proportion of men and women in the metropolitan and white rural areas and the corresponding rise in the proportion of men and women in the homelands.

DD 19/3/81 (224)

# Woman endorsed out wins battle

CAPE TOWN — A woman endorsed out to Transkei won her Supreme Court battle here yesterday for the right to remain in the Stellenbosch area, where she had lived all her life.

Mrs Harriet Mtyingizane, 24, a mother of four, took legal action against the Western Cape Administration Board after she was given four days to leave the Stellenbosch area.

Last month Mrs Mtyingizane made an urgent application and was granted a month's reprieve. The order became final yesterday.

Miss Justice Van den Heever ordered the administration board to pay the cost of the application.

Mrs Mtyingizane's house was demolished

even though her husband, Mr Fuza Mtyingizane, was still a legal resident of the area.

Mrs Mtyingizane went to Transkei in 1970 with her husband for a six-month stay with his parents.

When she returned her reference book was cancelled and she was ordered to return to Transkei.

Mrs Mtyingizane did not return and during the next two years she was fined several times for being in the Stellenbosch area 'illegally'.

When she went to the board to try to sort out the confusion about her residence in Stellenbosch, she was given a temporary permit but this was revoked a few months later —  
SAPA

BOOKS

*Farm Labour in South Africa*. Francis Wilson, Alide Kooy and Delia Hendrie (eds.). David Phillip, Cape Town, 1977. (R9,00)

*Economics of Health in South Africa Volume I: Perspectives on the Health System*. Gill Westcott and Francis Wilson (eds.). Ravan Press, Johannesburg and David Phillip, Cape Town, 1979. (R4,00)

*Economics of Health in South Africa Volume II: Hunger, Work and Health*. Francis Wilson and Gill Westcott (eds.). Ravan Press, Johannesburg and David Phillip, Cape Town, 1980. (R4,00)

26	L.C.G. DouwesDekker	The Process of Collective Bargaining and its Implications for Industrial Relations Policies. (R0,75)
27	Marc Best	The Scarcity of Domestic Energy: A Study in Three Villages (R1,00)
28	Jonathan Myers	Asbestos and Asbestos-Related Disease in South Africa (R1,00)
29	Dudley Horner/ Alide Kooy	Conflict on South African Mines: 1972-1979 (R0,75)
30	George Ellis	The 'Quality of Life' Concept: An overall framework for assessment schemes (R2,00)
31	Don Pinnock	Telona: Some reflections on the work of a private labour recruiter (R2,00)



On Saturday, 21 years ago, one of the most tragic events in South African history took place Sharpeville

A mass protest against the still-hated pass laws at a previously little-known black residential area near Vereeniging ended with the deaths of 69 black people and the wounding of another 178

It was later established that 155 of those killed and wounded during the incident had been shot in the back as they tried to escape the bullets

Quite who or what was responsible for Sharpeville has been a subject of dispute ever since and there is little point re-opening that issue now, but what is beyond dispute is that Sharpeville changed the nature of black resistance to apartheid and the government's response to black frustrations

At the time the acting leader of the government, Mr Paul Sauer, actually made a speech in which he predicted the ending of the pass laws, twenty-one years later Dr Piet Koornhof was making the same kind of prediction. Sadly, however, the pass laws are still with us and are still exacerbating racial tensions at a cost, Dr Frederick van Zyl Slabbeitt has been pointing out this week, of at least R118 million a year

Whether the government's proposed fingerprinting law comes into effect or not, the pass laws which are as blatant a form of racial discrimination as anything, are a source of tension

This tension existed for years and has led to innumerable protests. Between 1955 and 1959 hundreds of women burned their passbooks, held protest marches and presented petitions to native commissioners.

In these circumstances, little wonder that the then legal African National Congress (ANC) regularly called on the government to abolish the pass laws.

Early in 1959 it announced an anti-pass law campaign, which was due to be launched on March 31, 1960. The breakaway Pan Africanist Congress (PAC), also still legal at the time, then announced its own campaign against the pass laws and launched it on March 21, 1960 — the day that will forever be commemorated in South African history whether the present government likes it or not

The strategy of the campaign was simply for every man in every town, city and village to leave their passes behind at home, surrender to the nearest police station and demand arrest. This would mean that no one was at work

# 21 years after Sharpeville

DD 19/3/81 306

and industry would be brought to a standstill

The government, it was somewhat naively argued at the time, would be forced to come to terms with the workers or the economy would collapse

At Sharpeville thousands of people converged on the police station and according to their evidence later to the commission of enquiry, the police there felt threatened and the shots were fired

In a recent book, Prof Gwendolen Carter, who said that Sharpeville created a new watershed in South African history, wrote

"The government panicked, declared a state of emergency, outlawed the ANC and PAC, arrested and detained some 1 900 people, including for the first time members of the predominantly white Liberal Party which stood for a universal franchise under its leader the internationally known author, Alan Paton, and imprisoned thousands of so-called African idlers

"Urgent appeals from inside South Africa for consultation with Africans were disregarded by the government. International censure on the wanton killings was followed by an outflow of

Political Correspondent  
BARRY STREEK

foreign capital

"With the banning of the ANC and PAC shortly after the Sharpeville killings, the organisations went underground and turned to violence."

The bombs, death trials and heartache caused by the decision of the ANC and PAC activists that there was no alternative but violence, need not be detailed here. It is however clear that Sharpeville was indeed the turning point. Until then the ANC and PAC were prepared to operate above ground, although in conflict with the government. The moment they were proscribed the leadership of these organisations turned to violence — a decision

which has resulted recently in things like the bombing of the Sasol plants and the raids into Maputo

Sharpeville today is a whole generation back in our history, but it symbolises so much. There have been other essentially political tragedies since then, such as June 16, 1976, in Soweto, but Sharpeville was the turning point

The question now, surely, is whether the steady process to more violence and more militarisation in South Africa can be avoided or whether our country must sink into the tragic pattern of events of Zimbabwe or Namibia?

If there is no solution, we may as well build the laager, close the hatches and fight it out, but there is surely an alternative? One merely has to take an issue like the pass laws, which contributed so much to the killings 21 years ago. Surely it is time that the government real-ly declared war on the dompas as Dr Koornhof has already said publicly, and accept that they are simply not worth it

Undoubtedly the abolition of the pass laws would accelerate the process towards urbanisation and many people living in the impoverished rural areas would move to the cities.

Even with the pass laws, according to a Pretoria University professor last week, there will be 21 million more people in the cities by the year 2000 than originally estimated

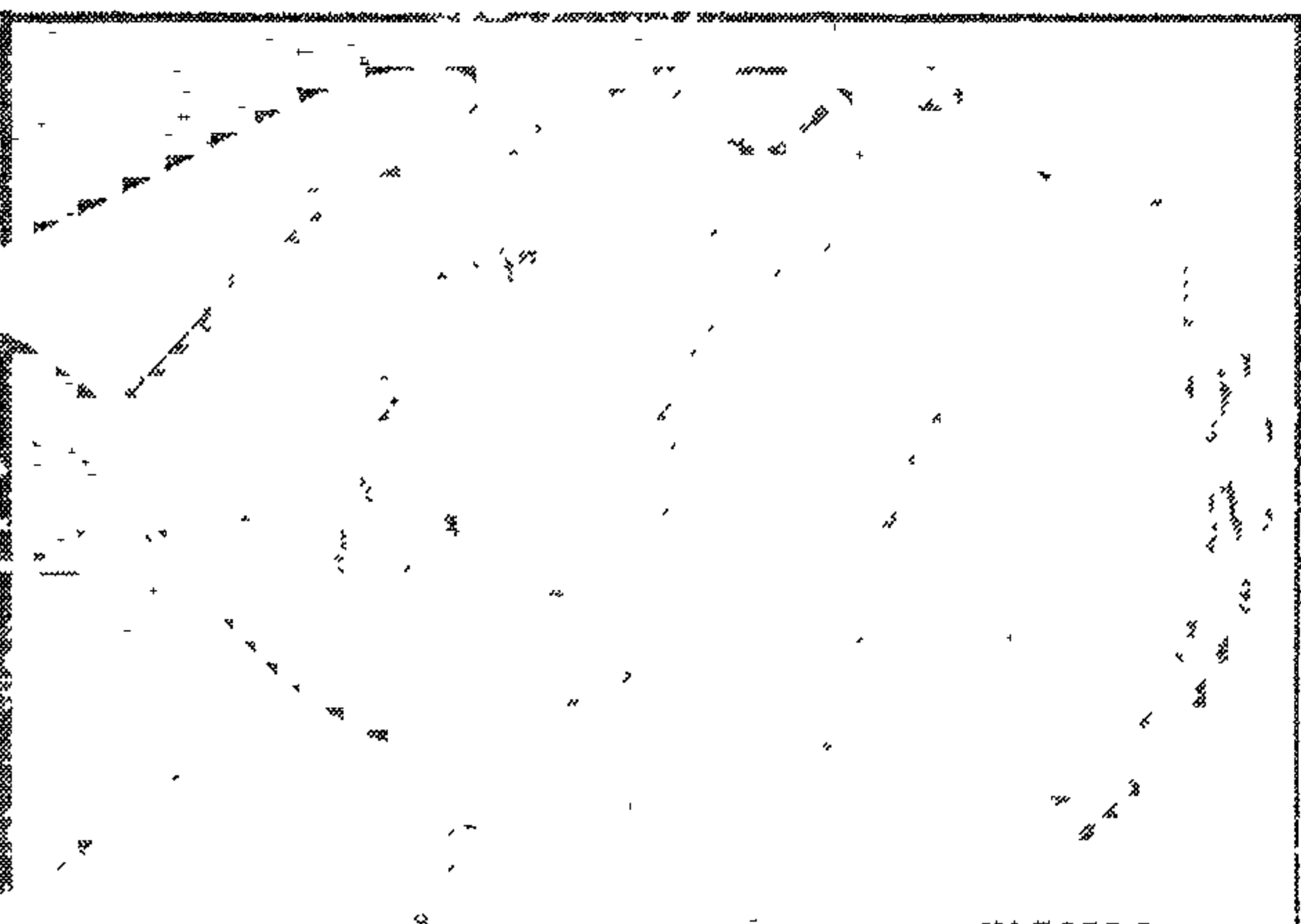
Which in real terms means that South Africa has to plan for a phenomenal growth in urban population over the next 20 years. That rate of growth may be larger without the pass laws, but it is clear that no government actively removing sources of grievances in South Africa can seriously try to keep the pass laws on the statute books

In the end, what it boils down to, is that the intensification of conflict in South Africa cannot be avoided unless there is direct negotiation between the government and the leaders of the majority of South Africans. What we should be aiming for in the interests of everyone, is the removal of those frustrations which make people feel so helpless about the possibilities of change that they turn to solutions by guns

The resolution of those grievances is going to be difficult and traumatic and the changes are going to be painful, but surely that is preferable to bloody shoot-outs?

If, after 21 years, South Africa can learn those lessons of Sharpeville, March 21 could turn into a symbol of hope rather than the commemoration of a tragedy

PHOTO BY AP/WIDEWORLD



Leader of the Progressive Federal Party, Dr Frederick van Zyl Slabbeitt — the pass laws are exacerbating racial tensions at a cost of R118 million a year.





MR COLIN EGLIN, PFP spokesman on community development, speaks to residents at the main barracks in Langa during a fact-finding mission today

Agus 20/3/81  
**Help for  
61 at  
Langa  
barracks**

ALTERNATIVE accomo-  
dation has been promised  
to 61 of the people facing  
eviction from the Langa  
main barracks, according  
to Mr Colin Eglin, the  
PFP's spokesman on  
community development  
matters.

He said this during a  
tour of the barracks today.  
Mr Eglin was accompanied  
by his secretary, Mrs Joan  
Fowle, and the chief  
labour officer of the  
Western Cape Administra-  
tion Board, Mr G N  
Lawrence.

**'ORIGINS'**

People crowded around  
Mr Eglin. He told those  
who had valid medical cer-  
tificates to take them to  
the board's offices with  
their travel documents  
where their cases would  
be heard.

Mr Eglin said the prob-  
lem at the barracks was  
a human one and had its  
origins in the impoverish-  
ment of the homelands, the

(Continued on page 3, col 1)



Nov 20/3/81 (124)  
**Barracks**  
 (Continued from page 1)

lack of accommodation in the city and the Lantu Urban Areas Act

Mr Eglin said that those who were not under medical care would have to find their own accommodation. The residents at the barracks have been given until Monday to leave

They were called to the boards' offices yesterday and those who did not qualify to be in the area were offered free rail tickets to the homelands

They refused them and on Monday the vast majority will be left homeless

**500 PEOPLE**

According to a list of families, supplied by one of the residents, there were nearly 500 people at the barracks. Some have already been evicted

The majority of remaining residents were squatters from Hout Bay, Schotschekloof, Table View and Killarney

The squatters from Hout Bay yesterday sent a telegram to the Minister of Co-operation and Development, Dr Piet Koornhof, appealing for help

They were adamant that they did not want to go back to the homelands and some said they would prefer to go to prison than return

The telegram to Dr Koornhof read: "Please help us. Our family life is being broken. We long to be allowed to live together as man and wife. We have tried to make this possible now all is being destroyed. Please, please help us"

$$\frac{\sum (x - \bar{x})(y - \bar{y})}{\sqrt{\sum (x - \bar{x})^2 \sum (y - \bar{y})^2}}$$

A correlation coefficient is defined as

is said to be high if  $r_{xy}$  is

The coefficient  $r_{xy}$ , by definition, will be zero

If there is no association between variables, the coefficient will be vice-versa, the coefficient will

values of  $x$  ( $x > \bar{x}$ ) are associated with values of  $y$  ( $y > \bar{y}$ ), and

Similarly, if above average values of  $x$  ( $x > \bar{x}$ ) tend to be associated with above average values of  $y$  ( $y > \bar{y}$ ), while there is a similar association of below average values of both

the mean of  $x$  ( $\bar{x}$ ) and of each value of  $y$  from the mean of  $y$  ( $\bar{y}$ ).

correlation coefficient  $r_{xy}$  measures the joint variation of each value of  $x$  from the mean of  $x$  ( $\bar{x}$ ) and of each value of  $y$  from the mean of  $y$  ( $\bar{y}$ ).

This is a test of the association between two variables,  $x$  and  $y$ . The

**2. Correlation.**

number of categories.

7 equals number of categories minus 1, 52 equals number of variate values minus

These are calculated as follows:

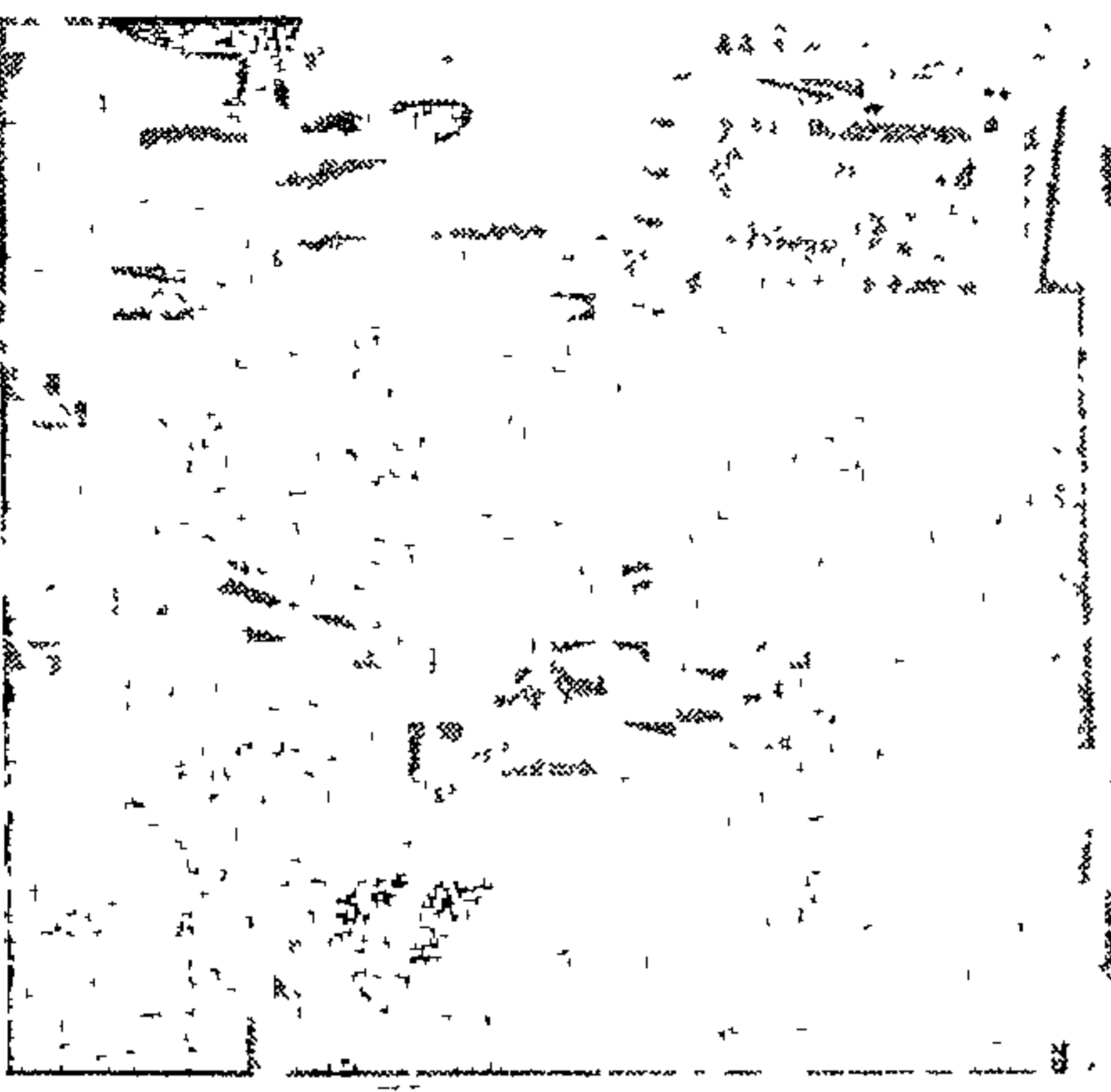
# LANDRAIDS

Cape Herald 21/3/81

# PASSES RAIDS

206 340 307 124

FRIDAY MARCH 13, lived up to its 'unlucky reputation for several people when Western Cape Administration Board inspectors went on pass raids all over Langa, arresting several people, including women, and people who had just arrived from the Transkei by bus.



● A WOMAN is taken to a WCAB van during a raid in Jungle Walk last week.



A Cape Herald team, who had witnessed a pass raid in New Flats, Jungle Walk, were told to leave the area immediately or they would be prosecuted — after being held up by WCAB inspectors for about half an hour.

At about 9.15 on Friday morning five WCAB vans rushed in the direction of New Flats.

### Armed

Several people, including women, were bundled into the backs of vans under the supervision of armed white inspectors.

Most of the people at the flats were those who had just arrived from the Transkei by bus.

An inspector, Mr J M du Toit, said they were waiting for clarification from head office.

'I don't like people to follow me when I'm doing my work,' he said.

Eventually a senior inspector Terblanche arrived and told the Cape Herald to leave immediately or they would be prosecuted under Section 43 of the Blacks (Urban Areas) Consolidation Act, 25 of 1945.

### Offence

In terms of this Act it is an offence to assault, resist or wilfully obstruct, willfully

Most of the people who had been evicted from the Barracks last Monday moved their belongings into the Barracks at night when they sleep and then put them outside during the day because they have nowhere to go.

● SUPERVISING the raid is an armed inspector, watched by curious Langa residents. Vans blocked off flat entrances and inspectors asked people for their passes.



not yet had time to obtain permits to be in the area.

After about ten minutes the vans left and drove in the direction of the men's hostels

### Blocked in

At Zone 20 the Cape Herald team was blocked in by four WCAB vans and held up for about half an hour, without being given a reason.

an authorised officer in the exercise of his powers or the performance of his duties or functions'

Pass raids were common in Langa last week and many people were arrested

In a pre-dawn raid on Thursday more than 60 people were arrested and several people were injured when they allegedly jumped from the roof of the Langa Barracks.

206  
C. Herald  
21/3/81

# Most Langa residents would like to forget, but it is still fresh in the memories of many Langa residents and people all over the world.

By RYLAND FISHER

**MONDAY March 21 1960 is a day that most people would like to forget, but it is still fresh in the memories of many Langa residents and people all over the world.**

It was the start of a week in which many people were to be killed and many more injured in Langa and Sharpeville when thousands of people went on a land-wide non-violent anti-pass campaign urged by the Pan African Congress.

They were also told to demand a wage of at least \$8 3s 4d a week.

Official sources gave the number of fatalities at Sharpeville at more than 68 and at Langa at more than three people.

### Brutality

Mr Wilson Sapepa, of Langa, tries not to think about what happened 21 years ago.

'I cannot account every detail, as it happened so long ago, but the most vivid picture in my mind is the brutality of the police and the soldiers as they shot unarmed and defenceless people,' he said.

Mr Sapepa recalls a confrontation with the authorities over grievances and the people being told they should meet at the Langa Flats where a Government official would address them.

'On that Monday afternoon thousands of people converged on the flats, waiting for the spokesman from the Government. People were standing on the field in front of the flats. Others were in houses in the flats. Some were even sitting on the roofs.'

'At about 5 pm we were surrounded by policemen and soldiers with Saracen armoured cars. Police started to baton-charge and people were running in all directions. Immediately thereafter the soldiers opened fire on the people. People were fleeing in all directions. Some of those sitting on the roofs had to jump for their lives.'

### Exiled

'But the people did not want to take this lying down and showed their resistance by burning police vehicles, assaulting policemen and burning the pass office.

'A number of people were injured and some were killed.'

'On hearing the news about the killings at Sharpeville the people were further aggravated.'

'That night there was total darkness in the townships and a police communique restrained people from going out.'

'This resulted in a massive work strike and the burning of passes by most people as a direct protest against the underhand tactics used by the Government in response to the legitimate rights and demands of the people.'

'However, a strike could not be sustained because the police went from door to door and the men were forcibly driven to work. This was followed by a spate of arrests. Many people were just picked up, beaten up and jailed to tell who were behind the protest.'

# Day of Protest

C. Herald  
21/3/81

206 340 124 307

Many people were forced to leave the country and go into exile.

On the afternoon of March 21, 1960, Mrs Eunice M Kize saw a

never-ending crowd of people carrying Philip Kgosana, regional secre-

tary of the PAC, moving in the direction of the Langa Flats.

Soon afterwards she saw thousands of people fleeing in all directions from the flats.

'There were police vehicles everywhere one looked,' she said.

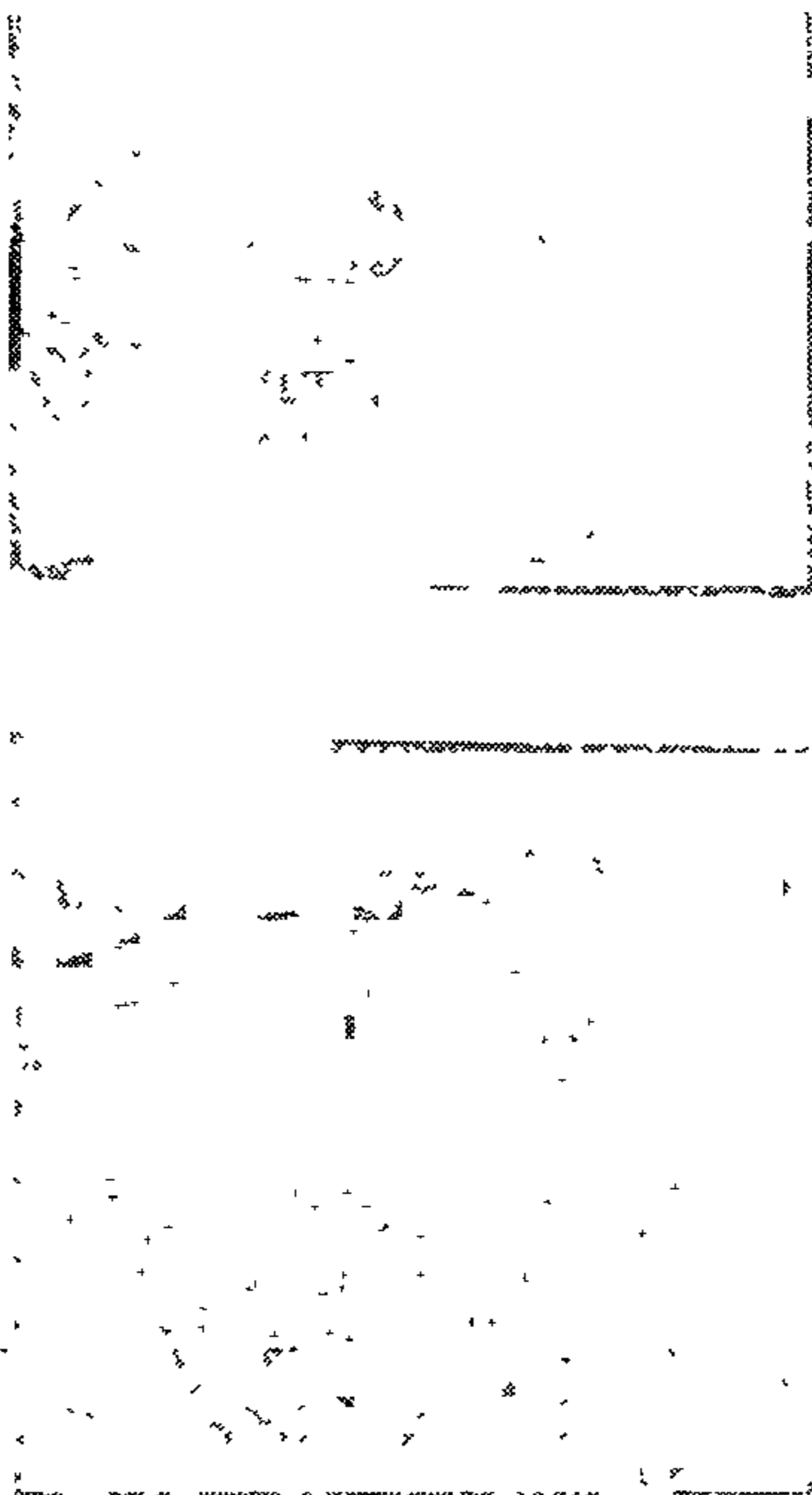
'My husband had gone to the shop and my only fear was that he was going to get hurt. Every time I had to peep out to see where he was until he eventually came home.'

'What followed was a terrible night. I don't really want to talk about it.'

While the ambulances were looking for bodies the police were shooting over the fields to get home. I opened my backyard and found some people had even crawled into my yard because we were so near to the flats.

'That day I would rather want to forget,' she said.

RESIDENT looks through a broken window of a Langa flat, allegedly caused by police and soldiers shooting on March 21 1960.



CAZINC through the broken windows of Langa Flats. You can see a bus terminus where once an open field was used for mass meetings.





MAJOR irregularities affecting the trials of hundreds of thousands of people under the pass laws have been revealed in a report to the Transvaal Attorney-General by a former Pretoria prosecutor, Mr Adam Klein

In the report Mr Klein, who dramatically walked out on his job at the Pretoria Commissioner's Court last year, discloses, for the first time, the existence of documents and circulars from the Department of Administration and Development which prove

## Aid Centres

Besides depriving the accused of their liberty for non-judicial reasons — a gross irregularity — the measure has resulted in hundreds of thousands of people spending unnecessary time in detention over the past ten years

That the Aid Centres, instituted in all major centres by the Government ten years ago ostensibly to help uneducated blacks avoid prosecution under the pass laws, are routinely used to investigate charges and prepare cases against blacks without having to comply with

A SENIOR member of the Johannesburg Bar Council reacted with shocked amazement this week to the Klein report on irregular practices in the Commissioners' Courts, the courts that try all black pass offenders

"The whole procedure right from arrest through to sentence does not comply with accepted South African law," the senior advocate, who cannot be named for professional reasons, said

"Mr Klein's report reads like a Russian novel of insanity

"Imagine the rage of a white citizen if he were to be summarily arrested and routinely held in custody for seven days while the traffic department investigates a parking charge against him — that is the equivalent offence

"The law makes provision for the issue of 'spot' summonses, or for simply warning accused persons to appear at court for trial in such cases, and the penalties for failure to

heed such a warning are very severe indeed

"Instead, tens of thousands of black people are deprived of their liberty and suffer the gross humiliation of imprisonment for several days while the police ostensibly investigate an offence for which they can be fined R10 or R15 if found guilty

"Besides the burden of having to provide the facilities to hold so many people in custody,

# The rules that hold thousands in prison cells

## IQUIT!

State lawman walks out in amazing apartheid protest

Mr Klein's resignation, Sunday Times, August 31 1980

judges' rules — the rules which entitle an accused to refuse to answer questions by the police

Besides recounting scores of cases in which he alleges legal irregularities occurred, Mr Klein suggests that the system of aid centres has "crept in through the back door", to enable the pass system to be enforced "in the dark"

"The accused are misled,"

He quotes at length from departmental documents which prescribe aid-centre interrogation procedures aimed at covering the entire range of pass offences to establish whether a man under arrest can possibly be found guilty of an offence

## Contradictions

The information gleaned by the aid centre is then handed to the prosecutor and forms the basis of all prosecutions

Mr Klein quotes from a general departmental circular dated January 19 1978 in which

Mr Klein's disclosure contradicts a statement made by the Director-General of Co-operation and Development, Mr J.H. Mills, last year after the Sunday Times disclosure of irregularities in the Pretoria courts

The Sunday Times reported that people accused under the pass laws spent an average of seven days in custody from the time they were arrested until they were sentenced

Asked about the 1978 circular from his department instructing commissioners' courts to remand accused for three working days after judgment, Mr Mills said

# 'A parking charge is the equivalent offence'

the impact on race relations is devastating

"The fact that Aid Centres are used to investigate and prepare cases against accused is a gross invasion of their legal rights

And so one can go on through the trial procedure — the irregularities are glaring

"The entire situation is an insult to all those who practise law in South Africa," he concluded "I would certainly expect the attorney-general to investigate the matter at least insofar as it affects officers

appointed by him to prosecute in the Commissioners' Courts"

Mr Klein's report will be referred to a number of committees of lawyers in the Transvaal in the coming weeks and the Sunday Times was reliably informed that the Bar Council will be asked to consider appointing observers to attend some Commissioners' Courts

A copy of the report has also been sent to the Hoexter Commission, which is conducting an inquiry into South Africa's court system

court, it clearly was an "irregularity" that could not be tolerated"

It appears that far from being an irregularity in the Pretoria courts, the procedure was fixed departmental policy

Mr Klein says a great deal of time was lost in drawing up his report because he feared prosecution

He was arrested shortly after his walkout in September last year, on a charge of theft of court documents

The charge was later withdrawn

His report, he says, is based on fragments of notes he retained after the police had raided his home and office

"Further evidence is available at the commissioner's court in Pretoria

"I am aware that I may be attacked because of this report, but need only point to the general trend of the evidence I put before you

A personal attack will only be aimed at diverting attention from it

A spokesman for the Attorney-General's office in Pretoria confirmed he had received Mr Klein's report a month ago

Mr Mills, said yesterday that his department had not received a copy of Mr Klein's report to the Attorney-General

Until his department had received a copy and had time to study it, he could not be expected to comment

## Circular

Asked about the 1978 circular from his department instructing commissioners' courts to remand accused for three working days after judgment, Mr Mills said

"That was before my time I have never set eyes on it and cannot be expected to comment"

On the earlier Sunday Times reports of irregularities at the Pretoria Commissioner's Court, he said the department had investigated each case

The Pretoria commissioner had been summoned to head office

Mr Mills said he had also personally sent out a circular to all commissioners instructing them to give special attention to matters that "were damaging the image of the department"

He had also specially raised the issue at a meeting of chief commissioners in Pretoria earlier this year

Mr Adam Klein

"court irregularities"



Reports by  
MARTIN WELZ

# Shock trials of aged and infirm

SEVERAL aged and insane black people were tried for pass offences at the Pretoria Commissioner's Courts last year without regard for their age or mental condition, and one of the magistrates at the courts judged cases with the aid of a pendulum, a former prosecutor at the courts has claimed in a shock report to the Transvaal Attorney-General.

These and scores of other shocking irregularities are recounted in a 60-page report by Mr Adam Klein, Pretoria prosecutor who walked out of court in protest last year.

Nearly 12 000 pass-offence cases were tried in the Pretoria Commissioner's Courts last year.

In a wide-ranging analysis indicating how practice in the Commissioner's Courts deviates from the law and accepted legal practice, Mr Klein includes these examples:

- During the trial of a young man, a woman stood up in the public gallery and said that the accused, her brother, was insane and under medication. The magistrate ignored her and postponed the case to a later date with the accused held in custody. Shortly thereafter the accused suffered an epileptic fit in the court cells.

- On one occasion, Mr Klein was instructed to try a foreign man in his absence, itself a serious irregularity. On investigation, he found that the accused was 93, senile and in hospital. The case was withdrawn and the court file has disappeared.

- A presiding magistrate was ordered by the chief commissioner to issue a deportation order for an elderly foreign black man, despite his age and poor health. A few days later, the official escorting the man to the border telephoned from Waterval Boven to report that the man had died on the train. The court file cannot be traced.

- An arresting officer is required by law to warn the parents or guardian of an accused under the age of 18 to attend and assist him at his trial. This did not occur in the Pretoria court last year.

More than a quarter of the accused tried at the Pretoria court last year were under 18.

- On one occasion an accused

man was brought before court in his pyjamas. His case was postponed and four days later he was brought back to court — still in his pyjamas.

- Mr Klein quotes a number of cases where accused whose passes had been damaged by handling or rain — blacks are required to carry their passes at all times — were found guilty of defacing their reference books.

- Accused awaiting trial in the court cells receive a ration of only two slices of dry bread in the morning and again two slices of dry bread at midday.

Dealing with the courts themselves, Mr Klein says that one of the magistrates at the Pretoria court swung a pendulum over case dossiers as an aid to determine the guilt or innocence of accused.

"This magistrate also told me that he always observes an accused's 'aura' — the region above his forehead — to determine guilt."

Magistrates were frequently given case dossiers to study before they heard the cases in court, a major irregularity, and prosecutors were summarily withdrawn from cases, if they did not carry out the chief commissioner's instructions, he says in the report.

In one case the prosecutor was withdrawn and replaced by others three times because all refused to oppose a bail application.

Not a single pass offender tried at the Pretoria court last year was legally represented.

Mr Klein concludes his account by pointing out that there are 439 commissioner's courts in South Africa. About 250 000 pass offenders were tried in the Pretoria court alone from 1970 to 1979.

Sunday Times  
22/3/81  
206



# POLICE INSULT MOTHER

*Sowetan (200)*  
*24/10/81*  
A YOUNG Orange-Vaal Administration Board policeman jumped in through the window of an elderly woman's room while his colleague knocked loudly at her door, during a permit raid at the weekend.

Mrs Lenah Khathi of 643 Newman Road, Evaton, yesterday told SOWETAN that her house was raided by cops from the Orange-Vaal Administration Board at about 4 am. She was asleep when she heard

loud knocks on the doors and windows of her house, she said.

"I had left the window of my bedroom open because I have a health problem," Mrs Khathi said.

"The next thing I saw the curtain move and a young cop in uniform jumped into my bedroom and went to open the doors for the others I felt insulted. What if that boy, young enough to be my son, had found me undressed?"

The cops demanded the housing permit and then left.

Mrs Khathi's youngest son, Roon (23), said the incident embittered his mother who was "otherwise a peace-loving old woman".

Said Roon: "When a man about my age bursts into my mother's

bedroom while she is sleeping at that time of the day, you know things have come to a sorry pass. We are all embarrassed."

This incident comes just two weeks after a speaker told a crowded meeting of the Ratepayers' Association that a board policeman had rudely asked his aged mother during a night raid on her home: "Who are you sleeping with in that bedroom, old woman?"

The speaker said although the cop was reprimanded by his superior for the rude behaviour, the family had felt its mostly respected member had been insulted.

● TO PAGE 3

CT 24/3/81

# Barracks: Deadline expires

ABOUT 300 residents of the Langa Main Barracks were confused about their future as the deadline for their eviction passed yesterday

Residents from the Hout Bay and Killarney squatter camps who were housed at the barracks by the Western Cape Administration Board after the camps had been demolished last year said in interviews yesterday that they did not know what would happen to them

Some people have been given accommodation by the Administration Board, according to a spokesman for the board. He said accommodation had been given to 61 people who had valid reasons to be in the Peninsula

The people involved would have to pay rent, but the board had not determined how much.

Many residents interviewed yesterday said they were having difficulty finding accommodation



# Motlana hits out at pass laws

THE CHAIRMAN of the Committee of Ten Dr Nthato Motlana, yesterday told a gathering at the University of the Witwatersrand that South Africa was so divided it could not even decide what anthem to sing at the "Terro" Mathebula fight.

He was sharing the platform with Mr Arthur Chaskalson SC, a leading advocate and director of the Legal Resources Centre. The two spoke on education at the Great Hall of the university.

Dr Motlana rejected the liberals' fight for non-segregated education and

called it a non-starter because many were unwilling to stand and fight beyond politics.

"The question of academic freedom is political. We must fight pass laws, influx control, fight for all South Africans to live where they choose, to vote and to be elected to Parliament

"We have shied away from political questions, but we must address ourselves to these questions.

"When segregation is abolished completely, only then can we speak of academic freedom," he said.

Delivering the case for

academic freedom in South Africa, Mr Chaskalson said there would be no peace in this country until segregation laws were repealed

Mr Chaskalson said South Africa could learn from the American experience.

"Bantu education had failed the Nationalist because it did not produce a compliant black elite but instead produced Saso, identifying with black consciousness.

"It had not produced hewers of wood and drawers of water as they were designed to turn out," he said.

ET C1 26/3/81

# Langa raid: Women fined

Staff Reporter

A WOMAN told the Langa Commissioner's Court yesterday that a Western Cape Administration Board official had confiscated a medical certificate from her and had told her he had asked a doctor not to issue medical certificates to Langa Main Barracks residents.

Ivy Mapelesa was giving evidence when she appeared on charges of being in the area illegally and not possessing identity documents.

She was one of 15 women who appeared yesterday following the Western Cape Administration Board raid at the barracks yesterday morning.

Mapelesa said she brought her child, who was suffering from asthma, to Cape Town. She said two children died of asthma in the homelands and her child was seriously sick and needed oxygen at times.

When asked why she did not have a medical certificate, she said the certificate was confiscated by a board official, a Mr Swart, who also told her he had telephoned a doctor at Red Cross Hospital and asked him not to issue medical certificates to residents at the barracks.

She was fined R50 (or 50 days), suspended for 12 months on the first count and discharged on the second.

Twelve others were charged with being in the area for more than 72 hours without a permit and for not being in possession of identity documents.

Two were found guilty on both charges. Nokhaya Nothu was fined R60 (or 60 days) on the first charge and R10 (or 10 days) on the second and Nothobile Tyhefu was fined R50 (or 50 days) on the first and R10 (or 10 days) on the second.

Sylvia Daniso and Esther Jack were cautioned and discharged on both counts and Alma Donjelwa and Joyce Msongelwa were cautioned and discharged on the first count.

Yokose Jevu was cautioned and discharged on the first and fined R10 (or 10 days) on the second count.

The sentences on the first count of Olive Sidyaka, Mtiza Dotwana, Miriam Ntloya, Nokhaya Ntyuthu and Cynthia Daniso were suspended for 12 months. The second counts were withdrawn or they were cautioned and discharged.

Three people were remanded till Monday. They are Ms Cynthia Basa, who was warned to appear, and Ms Nomisile Tyiti and Ms Patricia Silmani who were granted R30 bail. The men are appearing today.

The commissioner was Mr L van

Wyk, Mr W. Mngumane prosecuted and Mr J Sandler, Mr W Pretorius, Mr P J du Preez and Mr A J Jetha appeared for the women.



CT 27/3/81 (R17m) (R206) for men's hostel

KRUGERSDORP — The West Rand Administration Board is to build a R17-million single-men's hostel at Kagiso township, near Krugersdorp, soon the board's director of housing, Mr Alex van Breda Rabie, said

Addressing a meeting of Kagiso Community Council he said the hostel would house more than 6 000 men and would be built near the Chamdor industrial area to enable workers

to walk to their places of employment

The council asked the board to improve a bridge on the road leading to the Kagiso cemetery, instal high mast lights in the township, expedite the building of more than 2 000 houses at Munsville township, and increase the present R3 400 bursary fund to enable more students to make use of bursaries — Sapa

# Coloured-African gap is 'widening'

Argus 27/3/81

206

THE coloured labour preference policy in the Western Cape would inevitably lead to animosity between Africans and coloured people, Dr Edgar Maurice, a former high school principal, said last night.

He was speaking on the theme 'Living with Restrictions' at a meeting of the Mowbray Inter-race Group (MIRGE)

Dr Maurice said that there was clear evidence that middle-class coloured people were moving further away from identifying with Africans

He said the application of the coloured labour preference policy and the provision of better facilities for coloured people was creating a division between Africans and coloured that would lead to tension.

Dr Maurice said the President's Council was also the application of a policy to draw further divisions between African and coloured people

He said the President's Council was merely a device the Government was using to buy further time and that there was very 'little chance of its succeeding.'

He warned that the President's Council held grave dangers for the relationship between Africans and coloured 'It is a clear intention to draw coloured people closer to the whites and further from Africans'

## DIVIDE AND RULE

Dr Maurice said there had been a pattern of divide and rule policy imposed on Africans and coloured people to break potential uniformity between the groups Bantu education was a political policy applied in the area of education

'It is all part of a whole complex situation of life under restrictions,' he added.

He said there was a substantial group of politically aware coloured people who were very concerned about the situation. During the schools' boycott last year there was a clear identification between young coloured people and Africans. Later their roles diverged.

'If African pupils had taken the decision to continue the boycott then the feelings among a large section of coloured pupils was that they come out in support of the boycott,' he said

(News by B Gordon, 122 St George's Street, Cape Town)

## Blacks 'hard hit in West Cape'

AFRICANS born in South Africa cannot enjoy the same privileges in their own country as white immigrants, a University of Cape Town lecturer, Mr Solomon Chaphole, said last night.

Speaking at a meeting of the Mowbray Inter-race Group (MIRGE), Mr Chaphole said that blacks in the Western Cape were the hardest hit because they were regarded as temporary sojourners.

## INFLUX CONTROL

He said he could not understand the irony of influx control 'Whites from all over come into this country and settle where they wish Blacks born in South Africa cannot enjoy the same privilege in their own country'

Mr Chaphole said that recently work seekers and people who were in the Western Cape to receive medical treatment were chased by Administration Board inspectors.

'Worse still, some of the women had come to join

their husbands who have been working in the Western Cape for 10 to 15 years,' he added

## 'LET US STAY'

Mr Chaphole urged the Minister of Co-operation and Development, Dr Piet Koornhof, to take note of the cry of these people 'to let us stay.'

Mr Chaphole called on the Government to abandon its opposition to home ownership for blacks in the Western Cape.

'The private sector is reluctant to help their employees put up habitable structures in the Western Cape because these employees do not qualify for leasehold let alone home ownership.

'If home ownership or leasehold was allowed, blacks in the region would approach building societies, like fellow blacks elsewhere, to borrow money and build themselves houses,' he said

(Report by B Gordon, 122 St George's St, Cape Town.)



# Pass offenders costing SA R2-m monthly

Argus 27/3/81

206

## Argus Correspondent

PRETORIA. — One third of all prisoners in South Africa are pass law offenders — and at a cost of nearly R2-million a month.

Professor Jannie van Rooyen, of the Department of Criminology at the University of South Africa, said at a house-meeting here that the country's daily jail population was 102 000.

One third of all people jailed were convicted for influx control offences, which represented 33 000 prisoners a day.

Professor van Rooyen said statistics had proved that the daily cost to feed a prisoner was R2. Pass law prisoners thus cost the taxpayer R66 000 a day — R1,9-million a month.

He said South Africa had one of the highest crime rates in the world. The South African daily crime rate per capita, is 92 percent higher than the crime rate in India, 90 percent higher than in Nigeria and 72 percent higher than in Kenya.

All prisoners were being given the opportunity to improve their qualifications while in jail, but only an average of 342 prisoners, or 0,01 percent of the prison population, wrote their examinations at the end of the year.

CT  
27/3/81

# Certificates claim denied

## Staff Reporters

ALLEGATIONS made by Langa Barracks residents on Tuesday, that doctors had been advised not to issue more medical certificates to them, have been denied by a spokesman for the Western Cape Administration Board.

Mr G Lawrence said the charge was "totally unfounded".

Many of the women who stayed at the barracks claimed that doctors at the Red Cross Hospital refused to give them medical certificate because the administration board asked them not to issue the certificate to the barracks dwellers.

One of the women, Mrs Ivy Mapelesa, told the Langa Commissioner's Court on Tuesday that an administration board official, a Mr Swart, had confiscated her medical certificate and told her he was going to ask a doctor at the Red Cross Hospital not to issue a medical certificate to her.

However, Mr Lawrence said: "No administration board officials are in a position to dictate to doctors whom they should or

should not treat."

Mr Lawrence added that residents had been approached individually on two separate occasions by officials of the administration board to ascertain whether they had further medical extensions. Those who claimed they had were unable to produce the necessary certificates, he said.

He gave the assurance that any people who did have the required medical certificates and who showed them to officials at the administration board offices would be given permission to stay on in the area for the duration of their medical treatment, which would be arranged for them, and that accommodation would be organized for them during this period.

On Tuesday, some residents claimed that a man refused them entry to the barracks to fetch their possessions.

This allegation was also denied by Mr Lawrence. He said a man had been left at the entrance to the barracks and residents who wished to get their belongings would be allowed in for that purpose.



# Call to scrap influx control

206  
3/20/61  
22/11  
30/3/61

and demand  
acceptable wage  
of a  
is a degree  
farm

rate, are lit  
worker's find  
of movement f  
workers have  
It has

Alternatives

1.

By Themba Khumalo  
The Urban Councillors Association of South Africa has called on the Government to immediately scrap administration boards and influx control.

bandment of the boards throughout the country. They also called for the ending of racial discrimination in all educational institutions.

At a meeting at the Diepkloof Hotel, Soweto, yesterday, the organisation's West Rand region said it would "not tire until most of our demands have been met."

The meeting rejected the proposed merging of all community councils in the West Rand area. The proposal was made by Mr David Thebehali.

The president of the organisation, Mr Steve Kgame, alleged there was maladministration and corruption among the administration boards and until trained blacks took over these institutions, urban politics were heading for "serious crisis".

Mr Kgame said the proposed development boards must have a majority of blacks because the boards would belong to various councils and not to the whites.

**HORRIBLE**  
Condemning the influx control system, delegates at the meeting described it as "horrible" and called on the Government to eradicate it immediately. "This is the most oppressive system of apartheid and it renders the indigenous people of the country landless," they said.

Ten delegates were elected at the meeting to represent the West Rand region of Ucas'a at a "special conference" to be held in Bloemfontein on May 31.

**MISSING**  
Mr Freddie Mohajane, Dobsonville councillor, alleged that more than R5-million was missing in the Dobsonville area and the Wrab has failed to account for it. "This leaves us dubious and doubtful about the credibility of administration boards, hence we are calling for their eradication," said Mr Mohajane.

The aim of the forthcoming conference will be to demand the autonomy of the community councils throughout the country, Mr Kgame said.

Among their demands, Ucas'a called on the authorities to hand over all monies, assets and liabilities to each council immediately after the dis-

The corruption at local pass offices would feature in the conference agenda. The citizenship problem of South Africa which has emerged as an "insoluble problem" would also be discussed, he said.

None were prepared to say they went to the farmer and asked how they acted to some workers listed more than Note: The figures in brackets and left for unknown reasons was fired because of criminal left because of redundancy



206  
-1/4/81

# LANGA BARRACKS

## SSD REPORT

"Mr. Potgieter who is in charge of the barracks told us 'Get out - I've got nothing to do with you.' Originally he said we could stay. Now our families are split up." (Ex-resident)

WHY? Why are these people homeless? Why are their families split up so that husbands and wives who try and live together are breaking the law? In whose interests is it that they are being denied the right to choose where and how to live?

On the morning of Wednesday 25th March at 4.00am Administration Board Officials made their final raid on Langa Barracks. The barracks originally housed 600 men, women and children. Seventy of the residents were arrested, 24 appeared in Langa Court that morning charged with being in the Cape Peninsular for more than 72 hours without a permit and for not being in possession of I.D. documents. Men were also charged and found guilty of harboring their wives illegally. Thursday morning saw the appearance in court of the remaining residents. Similar charges were laid. The now homeless are being housed in the Anglican Church and St. Francis Church in Langa. Many of the women who stayed at the barracks, claimed that doctors at the Red Cross Hospital refused to give them medical certificates because the Administration Board asked them not to issue the certificates to Barrack dwellers.

The people who have certificates are given permission to stay on in the area for the duration of their treatment.

"Our children have T.B. and are lacking treatment. We are not getting certificates. Potgieter phoned Red Cross and said don't give certificates to the kids and don't treat them." (Ex-resident)

Langa Barracks became the home of former squatters from Hout Bay, Table View and Killarney when they were evicted from their camps last year. Other residents came from the "broken zones" 5, 7 and 27 which were areas in the townships reserved specifically for the housing of migrant workers. These areas have now been incorporated into the townships structure and are being renovated to house workers and their families who are legally allowed to live in Cape Town (ie. who have Section 10 rights). The Urban Foundation, an organisation representative of Big Business, have been the perpetrators of this family housing scheme. The Barracks have been taken over by 2 large companies, Murray & Roberts and P.S.G. Construction, who will be changing them into single-sex hostels for their migrant workers.

This is not a new issue. How long are the black people of South Africa going to tolerate the injustices and inequalities of our government?



### WHAT ARE BARRACKS?

Migrant workers come to town to earn money to support themselves and their families. They need wages to survive.

Their bosses want to make as much profit as they can - arguing that since workers are housed in specially built barracks, and fed, they justify paying much lower wages.

But, what really are these structures?

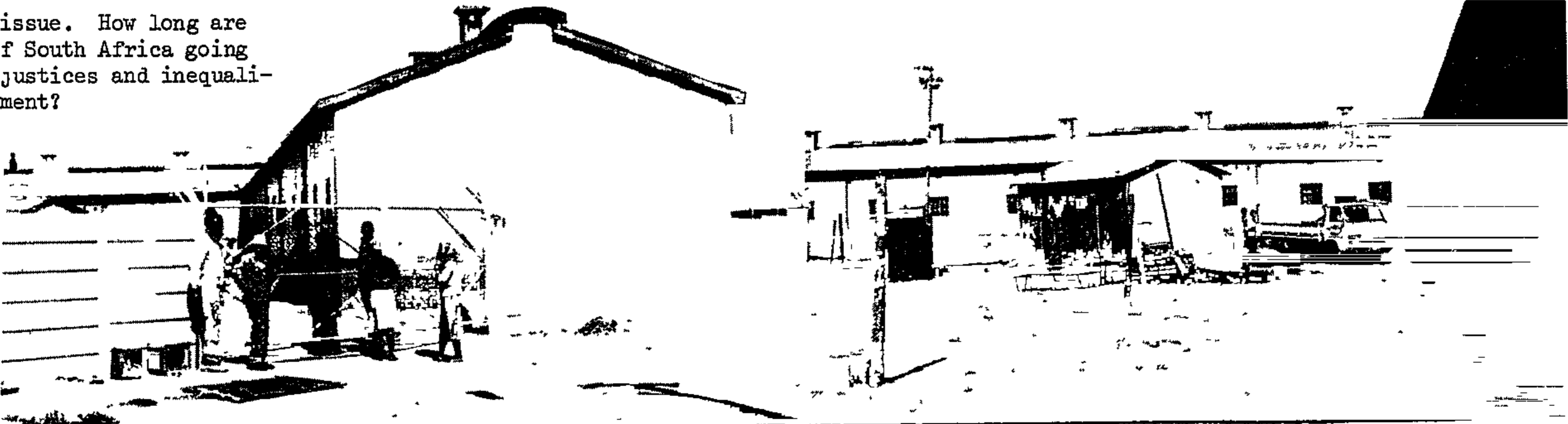
Firstly, it is much cheaper to house workers en masse, instead of in decent homes for whole families. Secondly, it is useful to have workers from one industry or company in one place, for this makes them much easier to control if they try and resist over issues, such as wages, working conditions or trade union recognition.

The single-sex barracks are one of the physical manifestations of the evil of the migrant labour system - a manifestation which all bosses have used unflinchingly and unquestioningly, for they benefit directly from it.

### MIGRANT LABOUR SYSTEM

- \* restricts freedom of movement by directing workers to where employers need cheap labour
- \* enforces the contract system by making sure that they stay as long as they are wanted
- \* polices workers and sifts out the unemployed
- \* weakens the position of the black labour force
- \* and thus, through this coercive control, helps to maintain the cheap labour system in S.A.

One third of all prisoners in S.A. are pass law offenders. (Prof. J van Rooyen, Dept. of Criminology, UNISA). This represents 33 000 prisoners a day at a cost of R1,9 million per month.





## LABOUR BUREAUX-CONTROL

Every black man living in the area of a Tribal Labour Bureau must register as a work seeker within one month of becoming unemployed from the time he is 15 years old until he turns 65. When a man registers for the first time he is placed in a category of employment. The categories include agriculture, mining, forestry, domestic, construction manufacture, government employ, local authority, commerce, etc. Once a man has been placed in a category he may not change out of it for the rest of his working life unless given permission to do so. His chances as to when he will work and what kind of

work he will do depend on the labour supply in the area in which he lives. He ultimately has very little, if any, choice as to what course his life is going to take.

The whole geographical area of the Republic of S.A. is divided into 3 types of black labour control systems - all of which are controlled by the Central Labour Bureau in Pretoria. The areas include Prescribed Areas (every town in the Republic outside homelands), Non-Prescribed Areas (remaining largely rural areas of white Republic), Homeland Areas.

All these areas are "served" by Labour Bureaux - Tribal, district or territorial. In addition, those in the prescribed areas are controlled by Bantu Affairs' Commissioners Office and those in the non-prescribed areas are controlled by a Regional Labour Commissioner. The whole area of S.A. outside the homelands is now also divided into Administration Board areas so that one Board controls prescribed areas and surrounding non-prescribed areas. All Labour Bureaux are staffed by the Administration Boards. Their duty is to administer the laws and regulations laid down by the government.

There is no freedom of movement for any black person in South Africa. As we have discussed, people had to seek work in the towns where they would be paid a wage. Whether or not they would be able to enter these prescribed areas (legally) would depend not only on the Labour Bureau at which they register, but also on their status in terms of Section 10 rights.

Section 10 rights are rights stipulated by Section 10 of the Bantu (urban areas) Consolidation Act as amended.

In a prescribed area every Black man must register at the Labour Bureau within 72 hours of his becoming unemployed.

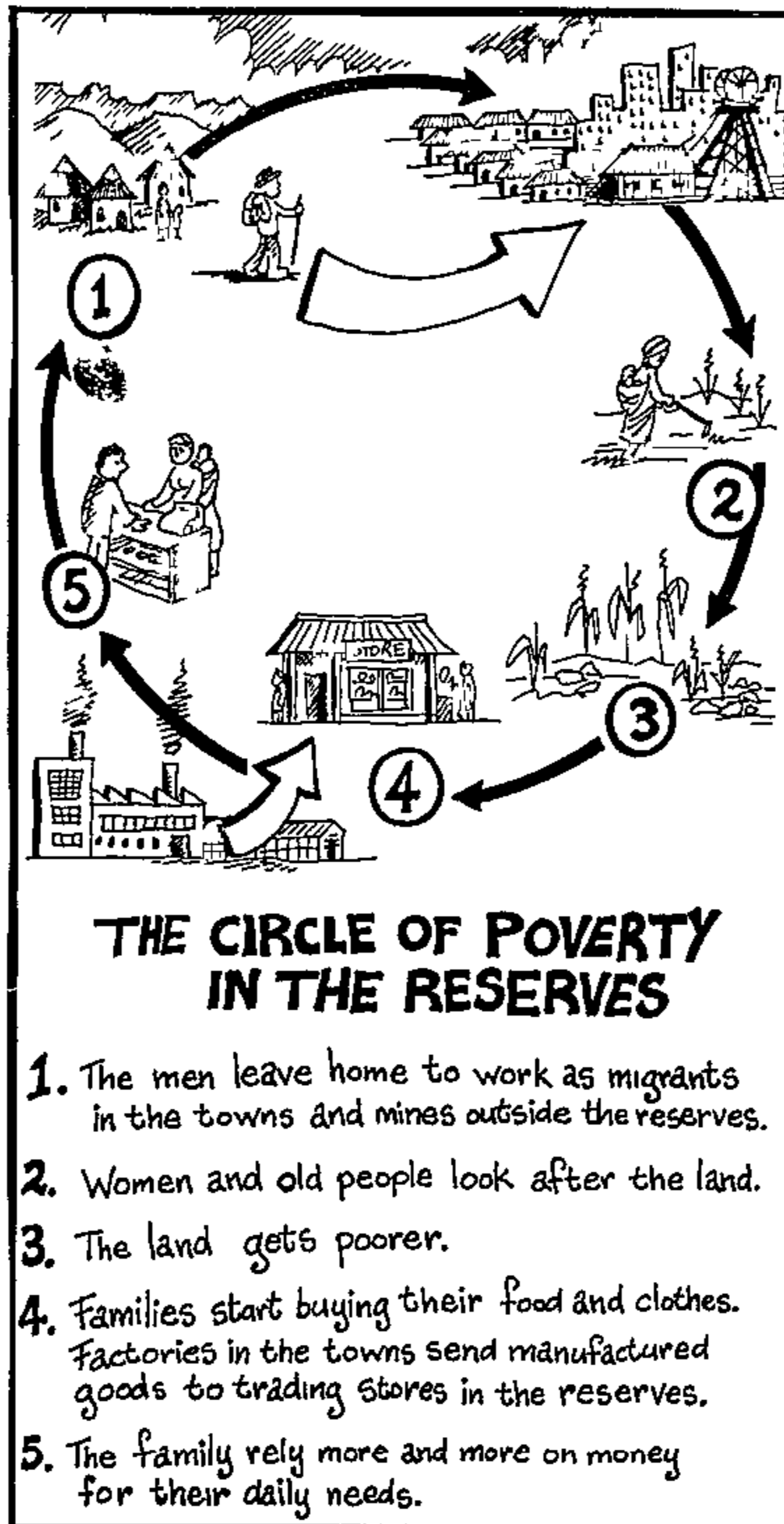
Section 10 states that:

No Bantu may remain in any prescribed area for more than 72 hours unless:

a) he has lived continuously in that area since the time of his birth

b) he has lived lawfully and continuously in that area for 15 years or has worked continuously for one employer in that area for 10 years. (Effects of 1968 Regulations on the latter - one year contracts - employer is compelled to discharge at the end of the year, therefore, employment is not continuous and worker will not qualify. Men who are not yet in the contract system are tied to one employer in order to avoid losing chance of ever qualifying.)

This Section is the basic law which prevents the mobility of Labour. It means that no black workers can come to any town or city to look for work unless they break the law. They can then work on a casual basis, totally unprotected and liable to be jailed at any given moment.



## 'BIG BUSINESS' STRATEGY

The Urban Foundation pledges its commitment to the 'upliftment of our fellow black citizens' - it is involved in many projects including the building of family housing in the townships.

This seems so noble.

Yet, what does it mean in reality?

With the Langa barracks expulsions, we are seeing the other side of the Strategy. Families have been removed from the zones demarcated for one of these schemes, to a brief sojourn at the barracks - and now have been forcibly removed from there to be rendered homeless.

And the Langa Barracks? - To be converted into single-sex quarters for the migrant workers of two construction firms, Murray & Roberts and PCG Construction.

So what is the game big business and industry is playing? How can we believe their 'good intentions' when they are knowing participants in this saga - which has been one of many.

Maybe the answer is not so difficult to discover.

The UF (representing business enterprises) and all other industries, benefit and always have, from the cheap labour provided by the myriad of controls maintained by the government. But people have resisted the system and scared those who are profiting - the UF was formed right after the nationwide uprisings in 1976 - so now they are attempting to reform certain blatant blemishes, to perpetuate not change, the fundamental inequality in our country.



## HOUSING SHORTAGE

"We came here from Hout Bay. We were a long time in Hout Bay. Inspectors said we must go. I work in Pinelands. Now we are told to collect our goods and go. My husband is in court. I have nowhere to go. I have been resident in Cape Town since 1963."

The Western Cape is a "coloured" labour preference area. This means that Africans can only get jobs if they are not filled by "coloured" workers; that the majority are not given permanent resident status; they are harshly controlled through the pass laws, the government does not provide sufficient housing to people who "are not here permanently."

Thus the housing shortage is especially acute here. The townships are bursting at the seams. For people still come from the bantustans - "legally", "illegally", does it really matter - the possibility of work here is manifold greater than in the devastated rural slums.

"We are here although life is hard. In the Transkei there is no work, no food, no money. We have this in Cape Town." (Langa barrack resident.)

Houses have not been built in any significant number for years. So we have seen the growth of squatter camps - the attempt by people to live with their families; to escape the stringent controls of the townships; to live in the place that they work.

So, providing houses for a few families is not even partly a solution, for it is at the cost of the rest of the community - the majority are still living in overcrowded, unhealthy conditions.

Aiding this small section of the community only furthers the aim of the UF and the government - ie. by giving these few a stake in the system, they hope to divide the whole community in their struggle for change.

Real change will only come about when - all people have the right to live and work where they choose, to be decently housed and to bring up their families in comfort and security.





# 'I am not going to leave'



The fear and despair of the evicted women.

Photograph by Peter Stanford

FAMILIES have been evicted from the Barracks in Langa. Many are, however, legally in the area. Now church halls in Langa house them.

One of those is Rose P. Her pass is in order. She has had two brain operations and is still undergoing medical treatment.

She is exhausted with fear and despair. Her greatest worry is her child, who is dangerously ill at the Sarah Fox Hospital, Silvertown. If anything goes wrong, there is no way the hospital can get in touch with her mother. The community workers will of course work on her case, but for how long can she stay in a church hall? She has, yet again, to find a place to stay.

Geraldine B gave her reasons for being in the Cape. Six of her children died in the Transkei. Then when her grandchild was taken ill, Geraldine took her to the Transkeian day hospital. There, there were four people to one bed.

The child's spine was broken while in the hospital. Nobody seemed to know how.

'And when your child is dead, nobody tells you. You just find the cardboard box with the dead child outside your house.'

So she followed her husband to Cape Town. She has been here since 1950.

What can she do? 'I want the authorities to give me a place, they must make a plan. I'm not going to leave.'

It is the feeling.

Liz Mackenzie



# SA courts 'play the game of apartheid'

By Jon Qwelane  
Pretoria Bureau  
Adam Klein is a young  
Afrikaner who has  
flouted tradition and  
shocked South Africa

In a surprise move  
last year, he resigned  
as a public prosecutor  
because he felt he  
could not "execute  
apartheid in the guise  
of justice"

As a result he has  
been alienated from  
his family and received  
obscene telephone calls  
and "hate" mail

He tells of the time  
he was at a police  
station to pay a traffic  
fine — and claims he  
saw policemen lash  
four black children  
aged between nine and  
11

He began wondering  
whether whites were  
subjected to the same  
treatment and it was  
then he decided to  
take up legal practice

His aim — to see  
that blacks had a  
fairer deal

"The deeper I went  
through court records,  
the deeper the whole  
exercise became an ex-  
perience of apartheid,"  
says Mr Klein.

He was born and  
educated in Pretoria  
25 years ago.

After being  
threatened by the  
right-wing group, the  
Wit Kommando, and  
after differences with  
the Department of Jus-  
tice, he is not bitter.

What made him  
change his outlook?

"The arrest and  
eventual conviction of  
the poet Breyten  
Breytenbach, and the  
incident when black  
children were lashed  
by policemen in a Pre-  
toria police station  
were a shock to me. It  
was after that I made  
up my mind to follow  
the black man's trial,"  
he says.

He studied Bantu  
law and went to work  
at the "Bantu" courts.

"Within two days as  
prosecutor, I dis-  
covered apartheid in  
its reality," he says.

At the Commis-  
sioner's Courts he  
claims he discovered  
the "anger and hatred"  
of the prosecutor who  
had to execute the  
"unjust" laws, and the  
accused who felt he  
was getting a raw deal

Adam Klein wants a  
reference book — "If  
it is such a good thing,  
to have, why is it

Mr Adam Klein, the Pretoria prosecutor who re-  
signed his job because he felt he could not go on  
"practising apartheid under the guise of justice."

only one section of the community which  
made to carry passes?"

He sees the prosecu-  
tors, the accused as  
"playing the game of  
apartheid. The prosecu-  
tor executes the law  
of apartheid, and the  
accused has no power.  
But both know that  
what is happening is  
bad."

He feels that in  
South Africa the  
courts mete out the  
law to the letter, not  
justice

The soft-spoken man  
who comes from a fam-  
ily of five brothers and  
one sister says his re-  
signation shocked his  
family.

"My family rejected  
me because it was not  
expected of an Afrika-  
ner. Two weeks after  
the first report of my  
resignation, my sister  
had a birthday. I was  
not invited.

"I think it was bet-  
ter for my family to  
keep away from me,  
but in the end they  
assisted me," he says.

He has had obscene  
telephone calls and  
"hate" mail in which  
he was called "kaffir-  
boetic"

After his resignation,  
he claims, his bank

wanted to close his  
account and repossess  
his car. When he de-  
manded to know the  
reasons he was told  
the bank had received  
a letter saying that he  
was on his way out of  
the country.

He has written a re-  
port, at the request of  
the Attorney-General,  
in which he lays out  
alleged abuses in the  
Commissioner's Courts.

The 62-page report  
relates to cases heard  
in the Pretoria Com-  
missioner's Court and  
lists trials from Janu-  
ary 1979 to September  
1980. It quotes case  
numbers, names of the  
accused and verbatim  
court testimony.

The report also  
quotes from official  
circulars. One dated  
January 19 1978, in-  
structs court officials  
to postpone cases for  
four days with the  
accused held in cus-  
tody so that officials at  
the Government's "aid  
centres" could update  
their records.

Adam Klein con-  
tends that the centres  
are anything but "aid"  
centres, and they often  
see that blacks are en-  
dorsed out of urban  
areas.

Impairment of NRU teaching, and Guardians' Suggestions

All the sample Guardians said they had no difficulty in understanding what was taught at the NRU. Practical problems of implementation of the teaching included: inability to afford "expensive foods" such as Pronutro, milk, eggs and fish, and difficulties related to gardening such as fencing, preparation of the soil, water supplies and obtaining seeds.

Their suggestions of ways in which the hospital could assist them included: the sale of seeds, orange trees and laying hens by the NRU at low cost, and the sale of cheaper milk and Pronutro and of eggs and fish at the clinics.

Reasons for Absconding

Seventeen Guardians were seen who had absconded from the NRU (12 in the sample and 5 in the control group). Reasons for absconding were obtained from 14 of them, the most common reasons

14/8/78 30m  
Pass laws 206  
high cost of prison

Own Correspondent

The Department of Prisons has denied that it costs the Government nearly R2-million a month to keep pass law offenders in jail.

A spokesman for the Prisons Department has reacted to a speech delivered by Professor Janne van Rooyen of the Department of Criminology at the University of South Africa in Pretoria last week

The spokesman said during the period July 1 1978 to June 30 1979, a total of 89 059 convicted and unconvicted prisoners were admitted to prisons for influx control offences. It represented 16,72 percent of all prisoners admitted during that time.

"It is not clear how the professor calculated his figure of R2 as the daily cost feeding a prisoner, the daily maintenance figure per prisoner is at present R3,07," he said.

"It must be pointed out that the figure of 342 prisoners who wrote their examinations mentioned by Professor van Rooyen, is the figure for the statistical year July 1 1976 to June 30 1977. Only prisoners serving sentences two years and longer are in the position to study. Some prisoners also leave the prisons before examinations could be written," he added

Irrigation fields and their yields: Twenty nine of the 36 sample Guardians had fields, with an average yield of 11 bags per year, while 6 of 7 control Guardians had fields with an average yield of 9 bags per year.

Diets of the Children

Figure 1 shows the foods which had been given to the children the day before each child was seen, and other foods given to the children at other times. (The lower numbers in the control groups must be noted.) The figure shows few differences between the sample and control groups at Holy Cross; a slightly higher proportion of diets in the sample included eggs, milk and fish. The majority of sample Guardians giving eggs and green vegetables to their children were obtaining these from their own fowls and gardens. The milk was bought from the NRU.

36 sample Guardians (22%) claimed to have made children's diets since returning from the NRU, control Guardians (14%) claimed to have made the child returned from the hospital.

Child Knowledge

Guardians seemed to understand that Protein is a nutritional disease. Only 1 Guardian the NRU for 4 days) did not know what foods

what they were "bad mothers".

Clinic Attendance

Clinic attendance after leaving the NRU was not related to the clinical condition, deaths or weights of the children.

Financial Income

The mean total family cash income of the sample Guardians was approximately R11,50 per month, with an income per person in the family of approximately R2,50 per month. Comparison of deaths and weights with family income revealed a higher proportion of deaths, a higher proportion of falls in percentage of expected weight and a lower proportion of gains in percentage of expected weight in the lower income group (less than R10 per month). These differences were not, however, statistically

understand the infective nature of gastro-enteritis and only 1 knew of the need to keep the child with diarrhoea well hydrated. All but 1 Guardian volunteered that they had learnt about vegetable gardening at the NRU (the exception having absconded on her second day at the NRU), and 30 Guardians volunteered that they had been taught about hygiene.

Of the 7 control Guardians, only 3 knew that Protein Energy malnutrition is a nutritional disease. No Guardian knew anything about the cause or management of gastro-enteritis.

Dissemination of NRU Knowledge

Twenty-five of the 36 sample Guardians (70%) claimed to have told others of what they had learnt at the NRU, and 16 of these (44%) claimed that others had implemented changes as a result.



# Wrong pass, so pension stopped

By LEN KALANE

A 75-YEAR-OLD Kagiso woman on the West Rand has not been getting her pension for the past year because she is holding a BophuthaTswana passport.

Mrs Maria Mogorosi said the Krugersdorp Commissioner stopped her pension soon after she had lost her South African passbook in January last year. The passbook was replaced with the BophuthaTswana passport when she went to apply for a new pass.

And officials at the Commissioner offices in Krugersdorp refused to pay out her pension saying that they did not recognise the BophuthaTswana passport. Pensioners have to produce their reference books before they could get the money.

Mrs Mogorosi says she was told "Go and get your pension from BophuthaTswana."

But a spokesman from the Department of Co-operation and Development in Pretoria said South Africa continues giving pensions to citizens of BophuthaTswana, Transkei and Venda who reside in the country. He said this was as arranged by agreements between their respective governments and signed at the time of independence.

He said he could not comment on the position of Mrs Mogorosi as her particulars were not available in the Pretoria office.

The spokesman said people with Section (1) (A) or (B) qualifications were not affected by this



Mrs Maria Mogorosi . "I haven't been receiving my pension because I was classified a BophuthaTswanaian."

because they reside in South Africa.

Mrs Mogorosi told her story "I lost my South African reference book sometime in January last year. That's the last time I got my pension. I went to apply for another one but I was told I should get a BophuthaTswana document."

Mrs Mogorosi said a clerk told her "Take this BophuthaTswana document. It has some advantages . . . it is a passbook and a passport at the same time."

Mrs Mogorosi told SOWETAN. "I believed this young man. After all, he is educated."

"In March last year I went to the pay-out office as usual with this BophuthaTswana passport. I was told the pension money was not for people from BophuthaTswana

but South Africans. I was told to produce a South African pass."

Mrs Mogorosi said: "My only son is in jail. My boarder pays the R12,71 rent for me every month. Otherwise I am all by myself and live from hand to mouth since my pension was stopped."

Mrs Mogorosi said through the help of social workers and other concerned people in the township, she went to the Commissioner early this month to query her position. She was told the matter is receiving attention and she might get her pension again.

She added: "I am waiting. I hope they come with something positive. It has all been a hassle. I was born here. I don't know why they gave me that BophuthaTswana passport."

11) RRAMP (35)

In the early days of the National Health Service a crude measure of control was exercised over the regional allocation of resources by forbidding GP's to take up practices in 'overdoctored areas' (those with less than a certain patient doctor ratio) and giving incentives to practice in under-doctored areas. Direct control was, however removed after a few years. Both the presence and removal of the control had its impact on the availability of doctors by region (36). Only recently (shortly following the introduction of economists to the Department of Health and Social Security) has there been a major discussion of means to improve the regional allocation of resources.

This report is concerned to establish criteria for budget size by area. It is adjusted to serve a particular purpose and is modified when considering different forms of health care, inpatient, outpatient, and psychiatric services.

For nonpsychiatric inpatient services, the committee proposes the use of a Standardized Mortality Ratio (SMR) for each region, which compares the number of deaths actually occurring in a region with those which would be expected if the national mortality ratios by age and sex were to obtain. Thus factors affecting mortality uniquely in that region are separated from the normal effects of age and sex structure of the population. This is done for each condition or group of conditions. The use of hospital facilities for each condition is then assessed for the country as a whole for age and sex groups.

35. Report of the Resources Allocation Working Party, 'Sharing Resources for Health in England', HMSO, 1976.

36. 'The Inverse Care Law', J. Hart, The Lancet, Feb. 27 1971, pp 405 - 412.

These national rates are then applied to the region's population to obtain for each condition, the expected hospital utilization rates for each area. (This will then be independent of regional differences in the availability of hospital beds.) The utilization rate by condition for each area is then weighted by the SMR. Thus 'the population, weighted for age and sex by national bed utilization for each condition should be adjusted to take account of condition-specific SMR's for each region. SMR's for conditions unlikely to lead to death, e.g. skin diseases should not be used. For conditions of pregnancy, childbirth and puerperium, SMR's should be replaced by an index of fertility rates standardized by age.

## Fin<sup>3/1m</sup>ed for<sup>206</sup> living with her husband

A domestic worker, Mathilda Chikuye, was this week fined R30 (or 15 days) for illegally harbouring her husband in her room at 20 Talbrager Avenue, Craighall Park.

The court heard that on January 8 this year West Rand Board inspectors had found Mr John Ndlovu asleep in Chikuye's room.

Mr Ndlovu told the court he had gone to his wife's room that morning to have tea with her.

The magistrate, Mr J L de Villiers, said it was clear Mr Ndlovu was living with Chikuye illegally. He rejected Mr Ndlovu's evidence.

111) Mukerjee's

This is dis

B. PERSONAL

In order t  
should have

of these se  
should be related to 'need'. The ideal rationing criterion for services likely to be scarce (such as specialist consultation and hospital admission) is the one most closely related to 'need'. Price rationing has some claims in this respect since people are willing to pay more the more desperate they are; but unfortunately the patient is not always best placed to know the urgency of his need; and even differences in felt urgency are obscured in a situation

37. See paper by Dr. J. Natrass 'Decision making and optimality in the provision of health care.'



**Secret survey finds most urban blacks have no homeland links**

# NATIONALIST HUMAN SCIENCES RESEARCH COUNCIL REPORT

S. Times 5/4/81

206

206

206

By MARTIN WELZ

**THE Government is trying to suppress an official report that makes nonsense of the basic tenet of separate development — that every black person belongs to a homeland.**

The report was compiled by the Human Sciences Research Council after a secret survey which found that a large proportion of urban blacks has no real links with the homelands.

The Government has rejected this finding as "too unscientific" — and has launched a second follow-up study to find ways to persuade blacks to accept homeland links.

Officials have discussed "using the media" to counter the lack of interest in homelands among urban blacks.

As recently as this week, Dr Pret Koorhof, the Minister of Co-operation and Development, reiterated the importance to Nationalist policy of the assumption that all black people are linked to homelands.

"It is necessary," he said, "that the blacks who live outside the borders of their national states (including urban blacks) remain linked politically and otherwise to their national homelands."

## Born in white areas

Among rejected findings were:

- 57 percent of black in white urban areas in 1978 were born in the white area where they lived.
- 80 percent had neither children nor parents living in a homeland, and only 55 percent still had relatives or friends living in a homeland.
- Only 13 percent had homeland citizenship certificates, although by law every black is a citizen of one or other black homeland — there are no black South Africans.
- 60 percent had not visited a homeland in the year preceding the survey.
- More than 40 percent did not know whether "their" homeland had a representative in their area.

The Deputy Minister of Co-operation and Development, Dr. D. V. Morrison, told a meeting attended by the other Deputy Minister in the department, Mr. J. J. G. Wentzel, and several top officials in Pretoria late last year that the survey results nevertheless "drew a poor picture of multi-nationalism and the policy of the Government".

He ordered that the survey results not be made available without the Minister's permission.

An urgent secret follow-up study has now been commissioned by the Government to establish how the estrangement of urban blacks from the homelands can be countered and how blacks can be persuaded to accept homeland affiliation.

The Pretoria meeting was held to discuss the confidential HSRC report prepared for the Government last year.

The report is based on the results of a "multi-purpose" survey conducted throughout South Africa among urban blacks in 1978.

## Links

The Ministers and officials at the meeting concluded that, while politicians claimed daily that the overwhelming majority of black people retained homeland ties, the survey showed that a far smaller number really has links with a homeland.

"Politicians claim that certain policies and practices relating to urban blacks are laid down and implemented because it is alleged and accepted that they do, in fact, have a relationship with a black national state, whether ethnic, cultural or otherwise. There must be clarity about this assumption," they noted in the minutes of the meeting, signed by Dr. Morrison.

The officials called for a re-evaluation of the system of homeland representatives in the urban areas to establish their effectiveness.

206

Sunday Times

5/4/81



# Influx Dillemma

(206) Anyas  
3/4/81

TO READERS BY  
THOMAS KENTON

## Family life a basic right or just 'a toy'?

IS family life a basic right of all citizens to be safeguarded by the State, or is it merely 'a toy' to be played with at the whim of white legislators and officials?

This is one of the central issues facing South Africa, according to Professor Michael Savage, head of UCT's Department of Sociology.

He said Brigadier van der Westhuizen's comments on influx control obscured the issue.

Perhaps the Brigadier would care to comment on how the actions of his officials in implementing influx control are safeguarding and promoting family life in South Africa.

### 70 ARRESTS

Brigadier van der Westhuizen stated that up to 70 arrests a day were made by his officials in carrying out influx control and that this figure proved the necessity of these measures.

This figure does not justify the existence of these widely detested regulations. It merely helps explain how it is, that since 1948, there have been 12 568 572 arrests or prosecutions of Africans under the Pass Laws, Professor Savage said.

Cape Town should not be proud of any contribution that it has made, or continues to make, to this staggering figure. The figure demonstrates one thing clearly — that blacks are trapped in legal machinery that they did not create and of which they do not approve.

### EXCUSE

No one should shelter behind the excuse that officials were merely implementing the law when the law itself should be called into question.

It needs emphasising that if there was to be an influx of whites into Cape Town, these people would not be arrested and sent back to rural areas or, if they were immigrants, to their countries of origin.

Yet naked racism is dictating, via the law, that blacks migrating to Cape Town must be treated differently from whites.

At some point white South Africa would have to recognise that its influx control regulations were widely hated and merely bottled up, in rural areas, the problems of employment and housing that had to be squarely faced in the towns.

Cape Town would have to provide more jobs and houses in the next 20 years than it had in the past 300 years.

It would be far more productive to devote the man hours involved in enforcing influx control and the R112-million spent annually to solve the problems that are associated with our city's growth, he said.

## 'New vision, new priorities needed'

THE problem of influx control calls for a new vision and new priorities on expenditure, says the chairman of the Cape Western region of the SA Institute of Race Relations, Mrs Daphne Wilson.

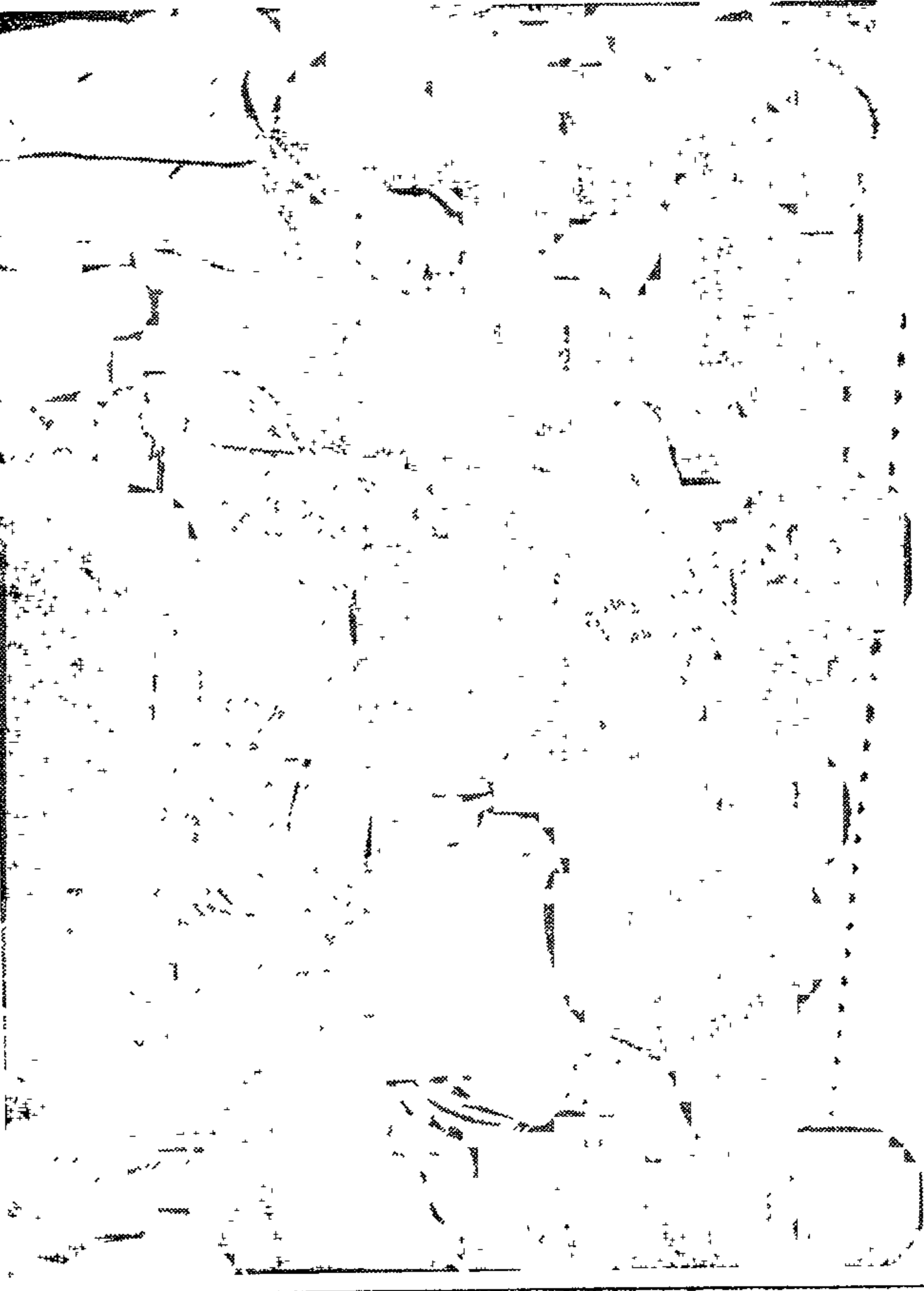
South Africa needed the Roosevelt outlook of the '30s when bold schemes such as the Tennessee Valley Authority challenged unemployment and produced results to improve the quality of life.

Under President Roosevelt's New Deal, the Tennessee Valley was replanned and turned from one of America's most distressed regions into one of life and prosperity.

The need for skilled and semi-skilled workers grows every day while the people who can satisfy this need are wasting their lives.

Brigadier van der Westhuizen, in his statement, had rightly referred to the acute shortage of family housing.

PERMISSION for these women and children to stay in the Cape has expired. They refuse to return to a homeland where they have no relatives and are now living in the Cape illegally.



'The fault lies with the policy that regards Africans as temporary sojourners in the Western Cape and the refusal of the authorities throughout most of the '60s and '70s to build new houses in the township to which they were being resettled.'

Far from accepting the Brigadier's reasoning that 70 arrests a day is clear proof of how necessary influx control is, I would say: on the contrary, that this is an appalling indictment of the whole restrictive system and clear evidence that a totally new approach to African work-seekers is essential.

No matter how frequently people were arrested, fined or imprisoned they would go on looking for employment, where it could be found and providing their families and themselves with food, clothing and shelter.

In fact Pitso has been openly stated by pass offenders as preferable to the utter despair of the homelands.

Moreover, it is total folly to believe that the only means of control is to arrest the offenders.

Some of the board's actions were for humane purposes.

Surely it should realise that in dealing with people whose only offence is to seek work or live as a family, it is totally inappropriate to hound such people in pre-dawn raids, chase them over roof tops and precipitate the kind of accident where a man fell from a roof and was taken to hospital unconscious.

## 'Duty imposed by law' to enforce influx control

FOLLOWING severe criticism of the Western Cape Administration Board recently and action taken to enforce influx control and to clear the main barracks in Langa, the head of the board, Brigadier J H van der Westhuizen, made the following statement:

'It is the duty imposed by law, on officials of this board, to exercise influx control. The number of arrests made, up to 70 a day, is clear proof of how necessary it is.

'During the existence and growth of the squatter camps at Modderdam Road, Unbel and Werkgenot there was an influx of an average of 2 000 people a month.

'This resulted in unemployment, ever-growing squatter camps and the most unhygienic conditions. The legal black inhabitants of this area have to be protected against this avalanche, which can only result in untold misery.

'The only means of control is to arrest the offenders. The number of people who are waiting to come, if these measures are abandoned, is so great that they will bring with them untold misery for themselves and for the black inhabitants of the Western Cape, who are expected to foot the bill for accommodation and services.

'Let us hope that a way will be found in which to keep citizens in the homelands, and provide them with all they need. The board is not without compassion. However, to discard influx control will be to lead us all to disaster.'

## The Brigadier's 'delusion'

BRIGADIER van der Westhuizen is deluding himself were part of the price for black residents of Cape

When breadwinners are driven back to the homelands they add to the numbers who are near

## Resettlement camps'







INFLUX  
CONTROL  
OFFENCES  
TO  
PASS  
MEMBERS

MORE than 12-million people have been arrested on pass law offences in South Africa since 1948. Enforcing the laws costs the taxpayer about R112-million a year, according to a UCT study.

More than one third of prisoners in South African jails are pass law offenders, many of them in the Western Cape

South Africa has one of the highest crime rates in the world, according to Professor Jan van Rooyen of the Department of Criminology at the University of South Africa.

#### CRIME RATE

The country's daily crime rate per capita, is 92 percent higher than the crime rate in India, 90 percent higher than in Nigeria and 72 percent higher than in Kenya.

The country's daily jail population is 102 000.

One third of all people jailed are convicted for influx control offences, which represents 33 000 prisoners a day.

In Cape Town last year, 7 747 men and 8 113 women were arrested for offences relating to reference books and influx control.

*Brigadier J H van der Westhuizen*

# 'Duty imposed by law' to enforce influx control

FOLLOWING severe criticism of the Western Cape Administration Board recently and action taken to enforce influx control and to clear the main barracks in Langa, the head of the board, Brigadier J H van der Westhuizen, made the following statement:

'It is the duty imposed by law, on officials of this board, to exercise influx control. The number of arrests made, up to 70 a day, is clear proof of how necessary it is.

'During the existence and growth of the squatter camps at Modderdam Road, Unibel and Werkgenot there was an influx of an average of 2 000 people a month.

'This resulted in unemployment, ever-growing squatter camps and the most unhygienic conditions. The legal black inhabitants of this area have to be protected against this avalanche, which can only result in untold misery.

'The only means of control is to arrest the offenders. The number of people who are waiting to come, if these measures are abandoned, is so great that they will bring with them untold misery for themselves and for the black inhabitants of the Western Cape, who are expected to foot the bill for accommodation and services.

'Let us hope that a way will be found in which to keep citizens in the homelands, and provide them with all they need. The board is not without compassion. However, to discard influx control will be to lead us all to disaster.'



# Influx Dilemma

(266) Anylo  
3/4/81

ARGUMENT  
By George Brumby

Twelve million  
imprisoned  
for  
crime

MORE than 12-million people have been arrested on pass law offences in South Africa since 1948. Enforcing the laws costs the taxpayer about R12-million a year, according to a UCT study.

More than one third of prisoners in South African jails are pass law offenders, many of them in the Western Cape.

South Africa has one of the highest crime rates in the world, according to Professor Jan van Rooyen of the Department of Criminology at the University of South Africa.

### CRIME RATE

The country's daily crime rate per capita, is 92 percent higher than the crime rate in India, 90 percent higher than in Nigeria and 72 percent higher than in Kenya.

The country's daily jail population is 102 000. One third of all people jailed are convicted for influx control offences, which represents 33 000 prisoners a day.

In Cape Town last year, 7 747 men and 8 113 women were arrested for offences relating to

## 'Duty imposed by law' to enforce influx control

Brigadier J H van der Westhuizen

IS family life a basic right of all citizens to be safeguarded by the State, or is it merely 'a toy' to be played with at the whim of white legislators and officials?

This is one of the central issues facing South Africa, according to Professor Michael Savage, head of UCT's Department of Sociology.

He said Brigadier van der Westhuizen's comments on influx control obscured the issue.

Perhaps the Brigadier would care to comment on how the actions of his officials in implementing influx control are safeguarding and promoting family life in South Africa.

70 ARRESTS

Brigadier van der Westhuizen stated that up to 70 arrests a day were made by his officials in carrying out influx control and that this figure proved the necessity of these measures.

'This figure does not justify the existence of these widely detested regulations. It merely helps explain how it is that since 1948, there have been 12 568 572 arrests or prosecutions of Africans under the Pass Laws, Professor Savage said.

'Cape Town should not be proud of any contribution that it has made, or continues to make, to this staggering figure. The figure demonstrates one thing clearly — that blacks are trapped in legal machinery that they did not create and of which they do not approve.'

EXCUSE

No one should shelter behind the excuse that officials were merely implementing the law when the law itself should be called into question.

It needs emphasising that if there was to be an influx of whites into Cape Town, these people would not be arrested and sent back to rural areas or, if they were immigrants, to their countries of origin.

Yet naked racism is dictating, via the law, that blacks migrating to Cape Town must be treated differently from whites.

At some point white South Africa would have to recognise that its influx control regulations were widely hated and merely bottled up, in rural areas, the problems of employment and housing that had to be squarely faced in the towns.

Cape Town would have to provide more jobs and houses in the next 20 years than it had in the past 300 years.

It would be far more productive to devote the man hours involved in enforcing influx control and the R12-million spent annually to solve the problems that are associated with our city's growth,' he said.

## Family life a basic right or just 'a toy'?

## 'New vision, new priorities needed'

FOLLOWING severe criticism of the Western Cape Administration Board recently and action taken to enforce influx control and to clear the main barracks in Langa, the head of the board, Brigadier J H van der Westhuizen, made the following statement:

'It is the duty imposed by law, on officials of this board, to exercise influx control. The number of arrests made, up to 70 a day, is clear proof of how necessary it is.

'During the existence and growth of the squatter camps at Modderdam Road, Unbel and Werknot there was an influx of an average of 2 000 people a month.

'This resulted in unemployment, ever-growing squatter camps and the most unhygienic conditions. The legal black inhabitants of this area have to be protected against this avalanche, which can only result in untold misery.

'The only means of control is to arrest the offenders. The number of people who are waiting to come, if these measures are abandoned, is so great that they will bring with them untold misery for themselves and for the black inhabitants of the Western Cape, who are expected to foot the bill for accommodation and services.

'Let us hope that a way will be found in which to keep citizens in the homelands, and provide them with all they need. The board is not without compassion. However, to disregard influx control will be to lead us all to disaster.'

THE problem of influx control calls for a new vision and new priorities on expenditure, says the chairman of the Cape Western region of the SA Institute of Race Relations, Mrs Daphne Wilson.

South Africa needed the Roosevelt outlook of the 30s when bold schemes such as the Tennessee Valley Authority challenged unemployment and produced results to improve the quality of life.

Unds' President Roosevelt

'The need for skilled and semi-skilled workers grows every day while the people who can satisfy this need are wasting their lives.'

Brigadier van der Westhuizen, in his statement, had rightly referred to the acute shortage of family housing.

'The fault lies with the policy that regards Africans as temporary sojourners in the Western Cape and the refusal of the authorities throughout most of the 60s and 70s to build new houses in the townships.'

'The root of the problem lay within the blinkered no-change policies of the Government.'

'If laws are inhumane how can they be administered humanely?'



PERMISSION for these women and children to stay in the Cape has expired. They refuse to return to a homeland where they have no relatives and are now living in the Cape illegally.

## 'New vision, new priorities needed'

'Far from accepting the Brigadier's reasoning that 70 arrests a day is clear proof of how necessary influx control is, I would say, on the contrary, that this is an appalling indictment of the whole restrictive system and clear evidence that a totally new approach to African workers is essential.

'Moreover, it is totally folly to believe that the only means of control is to arrest the offenders.'

No matter how frequently people were arrested, fined or imprisoned they would go on looking for employment, where it could be found, and providing their families and themselves with food, clothing and shelter.

'In fact, prison has been openly stated by pass offenders as preferable to the utter despair of the homelands.'

Brigadier van der Westhuizen had indicated that some of the board's actions were for humane purposes.

'Surely it should realise that in dealing with people whose only offences are to seek work or live as a family, it is totally inappropriate to hound such people in pre-dawn raids, chase them over roof tops and precipitate the kind of accident where a man fell from a roof and was taken to hospital unconscious.'







# The law of separation

Common law wife and husband Mrs. Mathilda Chikuye and Mr. John Matthews, their married life has been one of living in separate rooms

MRS. MATHILDA Chikuye, 53, doesn't know what it's like to live in a loving home with her family.

When she sees her husband sit in her room at the servant's quarters of a Johannesburg northern suburbs house — and it's against the law.

The tragedy behind the life of this withdrawn, elderly domestic servant, a mother of six, unfolded this week in the Johannesburg M

By MARION SPARG

one of living in these separate rooms, with their children being cared for by grandparents in Zimbabwe and Botswana.

Mrs. Chikuye moved to Johannesburg from Botswana in 1950. She has always worked as a domestic servant. The R30 fine imposed by the magistrate is a third of her

"Even if I say it is right or wrong, I can do nothing. I can change nothing," she said.

"It does not matter how I feel if it is right or wrong."

"I know that a white man can sleep with his wife, but the inspectors know that too, and if we are not allowed to sleep together then we just have to listen."

"They told me this was not a

edit

0 0 0 0 2 0

Then SAME RECORD/SCRIPT/ARPA2 RECORD or SORT or AREA



Mrs Chikuye was fined R30 (or 15 days) for allowing her husband to sleep in her room at her employer's home

Pleading in mitigation, her lawyer, Mr J O'Connor, said

"It is only human that this should happen, even if it is against the law for a black man to sleep with his wife"

Mrs Chikuye and John Ndhlovu are common-law husband and wife. They met 10 years ago

John works as a gardener a few streets away from his wife. He too lives in a room in his employer's backyard

Their married life has been

"I met my first husband and we had six children. Then he died," Mrs Chikuye told me

"In 1971 I met John and we were married in Zimbabwe. All the children are living in Zimbabwe and some with my old mother in Botswana"

The dominant emotion Mrs Chikuye, grandmother of two, expressed as we spoke was one of hopelessness

She did not wish to go into detail about what happened when an inspector from the West Rand Administration Board (Wrab) knocked on her door at 7.15 one morning and her husband let him in

with me"

Mrs Chikuye has worked for her employer, Mrs Jill de la Motte, for four years

Mrs de la Motte said

"I realise that some control has to be kept but it would not have been difficult to establish if Mathilda and John were husband and wife. They should have the right to visit each other when and as they wish, as long as the employer has given permission

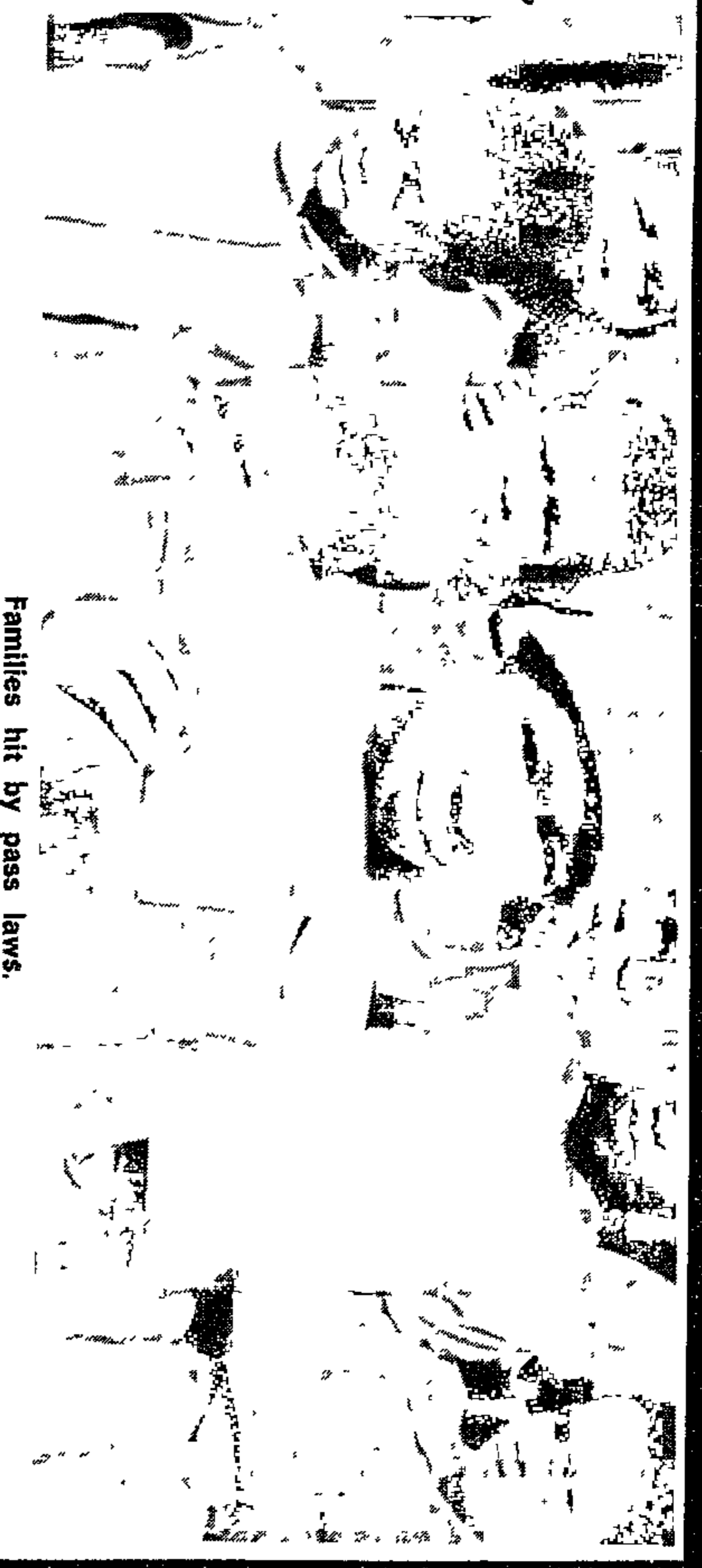
"The law is being brought into disrepute by making criminals and lawbreakers out of honest, decent people," she said

# 12m. pass law offenders since 1948

*Handwritten:* 90%  
Newspaper  
6/1/77

IS FAMILY life a basic right of all citizens to the safeguarded by the State, or is it merely 'a toy' to be played with at the whim of white legislators and officials? This is one of the central issues facing South Africa, according to Professor Michael Savage, head of UCT's Department of Sociology.

More than 12-million people have been arrested on pass law offences in South Africa since 1948. Enforcing the laws costs the taxpayer about R112-million a year, according to a study by the University of Cape Town



Families hit by pass laws.

ing to length of time on farm	27	ing to length of time on farm	26
es one thing clearly — that blacks are trapped in legal machinery that they did not create and of which they do not approve," he said	27	of workers	36
Prof Savage added that no one should shelter behind the excuse that officials were merely implementing the law when the law itself should be called into question.	23	ing to length of time on farm	36
"It needs emphasizing that if there was to be an influx of whites into Cape Town, these people would not be arrested and sent back to rural areas or, if they were immigrants, to their countries of origin.	7	ing to length of time on farm	36
"Yet naked racism is dictating, via the law, that blacks migrating to the cities must be treated differently from whites," he said.	12	ing to length of time on farm	36
Prof Savage said at some point white South Africa would have to recognise that its influx control regulations were widely hated and merely bottled up, in rural areas, the problems of employment and housing that had had to be squarely faced in the towns	19	ing to length of time on farm	36
"It would be far more productive to devote the man hours involved in enforcing influx control and the R112-million spent annually to solve the problems that are associated with our growth," he said	34	ing to length of time on farm	36
More than one third of the 102 000 prisoners in South African jails are pass law offenders	32	ing to length of time on farm	36
South Africa has one of the highest crime rates in the world, according to Professor Jan van Rooyen of the Department of Criminology at the University of South Africa.	32	ing to length of time on farm	36
SOWETAN Correspondent	32	ing to length of time on farm	36

and an average age for Coloured farm

Brigadier J H van der Westhuizen, head of the Western Cape Administration Board, stated that up to 70 arrests a day were made by his officials in carrying out influx control and that this figure proved the necessity of these measures

Prof Savage said Brig Van der Westhuizen's comments obscured the issue

"Perhaps the Brigadier would care to comment on how the actions of his officials in implementing influx control are safeguarding and promoting family life in South Africa," he said

This figure does not justify the existence of these widely detested regulations. It merely helps explain how it is, that since 1948, there have been 12 568 572 arrests or prosecutions of Africans under the Pass Laws, Prof Savage said.

in (years)



## Board extension for woman

A WOMAN who told the Langa Commissioner's Court about two weeks ago that her medical certificate had been confiscated by a Western Cape Administration Board official, has been granted a three-month extension by the board.

Mrs Ivy Majelesa said yesterday that she went to the board's offices again last week and was granted the extension.

When she was giving evidence during her trial on charges of being in the Peninsula illegally and not possessing identity documents Mrs Majelesa told the court an official of the board had confiscated her certificate.

This was later denied by the board.

She was one of the people arrested in an early morning raid by Administration Board officials at the Langa Main Barracks late last month and charged with being in the area illegally and with not possessing identity documents.

After the raid everyone was evicted from the barracks and the Catholic and Anglican churches in Langa offered them accommodation.

Brigadier J H van der Westhuizen, chairman of the Administration Board, yesterday declined to comment.

C. Herald 11/4/81

2140  
206  
2121

# Uncertainty of their future

THE eviction of people from the Main Barracks at Langa has had its effect on the old and disabled residents at numbers 19 and 20.

Residents say they are uncertain about their future because they have heard conflicting reports

Most of the residents would not mind moving. If it means going to a place better than the barracks 'In fact, any place would be better than here,' they say

But the eviction of the people from the barracks has left them suspicious

'What if they evict us? Where will we go to then?' they ask

### WORRIED

Mr Sam Sidlayi said he was worried

'We have heard talk that we might be moved out of here. I do not know where we will be going to then,' he said

Mr Jackson Mangua, 60, who stayed in Guguletu before he moved to the barracks in 1975, said he would not mind moving

'I stay here just because I have nowhere else to

30  
Dahl, R  
1967 P

Cross M  
1971 C

Cohen, P  
1975 T

Bekker, S  
1974 T

### SMALL GRANT

'I do not know how we will manage that because of the small grant we receive. We will then have to stretch our R60 (for two months) even further,' he said

Even though the conditions at the barracks are bad, most of the men have accepted their fate over the years and have learnt to call it 'home'

Mr Amos Sivelli, 60, who lived in the Langa Zones before he moved to the barracks four years ago, said there was only one word to describe the conditions at the barracks. 'Terrible'

'We need someone to look after us. When somebody becomes ill, we do not know what to do. And we need somebody to cook for us and keep the place clean

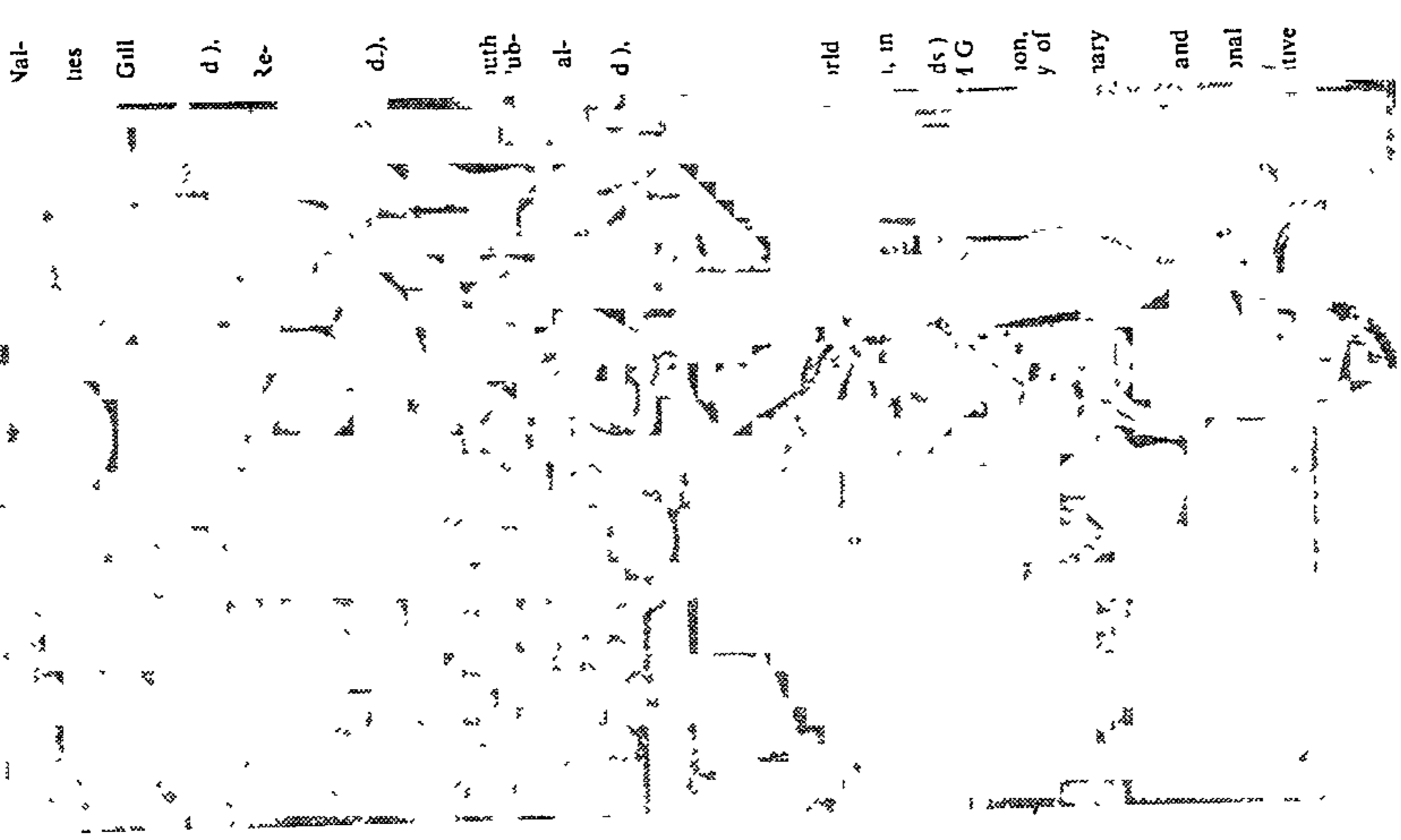
'Maybe, if we are moved to another place, we'll have somebody to look after us,' he said 'hope-fully'

Mr Harry Goba, 55, said he heard that they would be moved to another hostel where they would have to pay R6 in rent a month

MR JACKSON MANGUGA, 60, and Mr Sam Sidlayi, 61, two of the cripples staying at No 20 Main Barracks.

Nobody would prefer these conditions to others,' he said

MR ELLIOT MABUDA — 'My grant is not enough, so I have to sell fruit.'

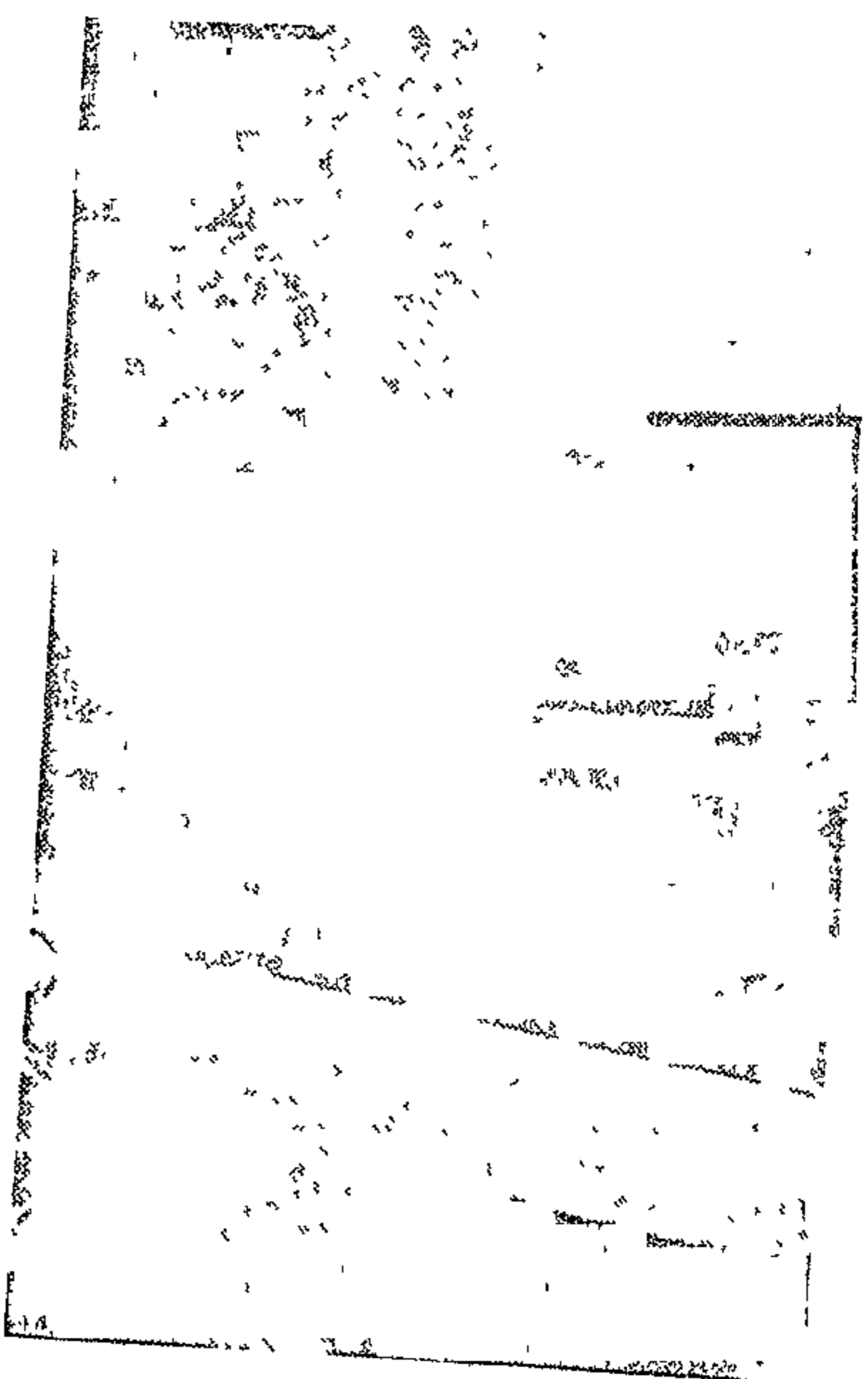


Vertical text on the right side of the photo: 'ive', 'nal', 'and', 'ary', 'y of', 'ion', 'G', 'sp', 'in', 'rld', 'p', 'al', 'uth', 'p', 'e', 'd', 'd', 'Gill', 'sal', 'Val'





C-Herald  
11/4/81  
206



'It is too far for crippled and disabled people to walk,' they say

**FACILITIES**

There are few toilet and washing facilities. The communal toilet consists of a long plank constructed over a concrete burrow with water gushing out of drainpipes in the walls.

People are expected to sit on their haunches on a plank in the toilet.

'How can you expect a cripple to sit on these planks?' asked Mr Mhuzise Tomisi, 36.

The only washing facilities, that the 48 men must

formed in the many holes in the room.

The residents complained that their grants were not enough.

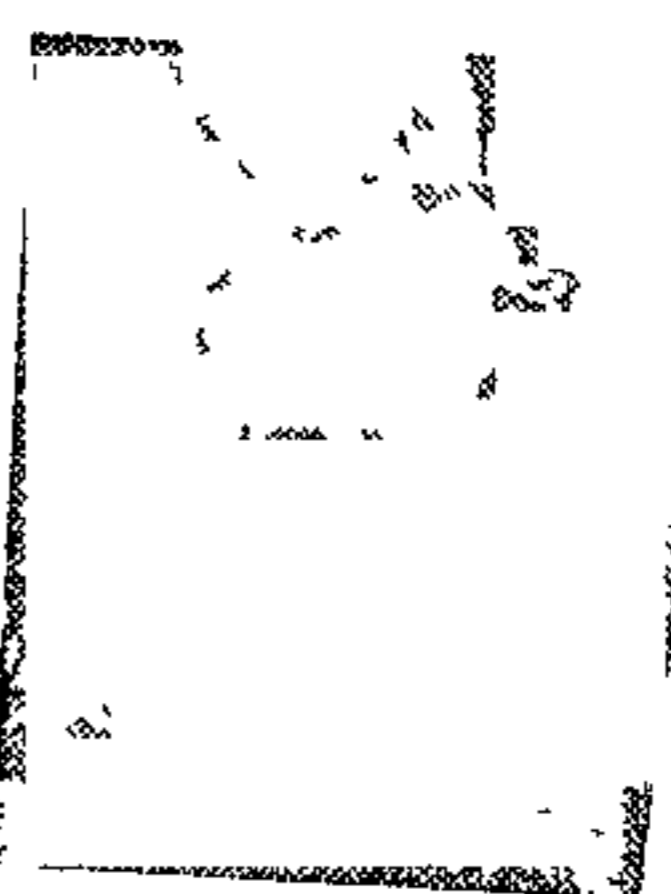
'It's difficult to survive on R60 for two months,' said Mr Tose Christian Batjisi, 33, who has suffered from tuberculosis.

'We have to buy and cook our own food,' he said

**SELLING**

To supplement his income, Mr Elliot Mabuda, 53, a cripple, is selling fruit and vegetables

MR Frans Maruping, 59, sits on one of the wooden beds.



Most of the men said they were born in Cape Town, while others have 'legal rights' to stay in Cape Town because they have worked here for a long time.

Some of the men said they had lost their wives because 'women don't want disabled men,' while others have just become estranged from their families because they have difficulty in going to visit them in Transkei or Ciskei.



# Pass law costs: Figures are denied

THE Department of Prisons today denied figures mentioned by a Pretoria academic that claimed to show it costs the Government nearly R2-million a month to keep pass law offenders in jail

is the figure for the statistical year July 1, 1976 to June 30 1977

'Only prisoners' serving sentences of two years and longer are in the position to study. Some prisoners also leave the prisons before examina-

tions can be written,' he said

The spokesman pointed out that in the period July 1 1978 to June 30 1979, 339 prisoners wrote their exams. Some 448 did trade tests and 720 completed a literacy course

A spokesman for the Prisons Department last week reacted to a speech delivered by Professor Janmie van Rooyen of the Department of Criminology at the University of South Africa in Pretoria last week

The spokesman said that during the period July 1, 1978 to June 30 1979 a total of 89 059 convicted and unconvicted prisoners were admitted to prisons for influx control offences. It represents 16,72 percent of all prisoners admitted during that time

He said from a survey done during the period July 14, 1980 to August 13, 1980, it was found that the total of convicted and unconvicted people admitted to jails for influx control offences represented 14,27 percent, which is in line with the previous figure.

### 'NOT CLEAR'

'It is not clear how the Professor calculated his figure of R2 as the daily cost feeding a prisoner. The daily maintenance figure per prisoner is at present R3,07' he said.

'It must be pointed out that the figure of 342 prisoners who wrote their examinations mentioned by Professor van Rooyen,

# Mothers jailed, children taken

Aug 14/4/51 (206)

The Care-Groups, a Community Involvement in Primary Health Care  
 E.E. Sutter, M.B., B.Ch., D.O. (Eng)  
 Elim Hospital, Northern Transvaal.

FOR health and disease are deeply rooted in the cultural and life of the people. Outside interference by means of well public health measures without prior consent and active involvement of the community is therefore resented and likely to fail. It should therefore be the foundation of any health service.

Care-Groups, as established in the Elim Hospital Health Ward, are a simple of community involvement in primary health care. They are comprehensive health service.

Trachoma was a direct result of an epidemiological study on trachoma in the area. This communicable ocular disease, which is the most important cause of blindness in developing countries, is endemic in certain parts of South Africa, especially in the Northern Transvaal. In some areas it is responsible for a blindness rate of 0,5%. Trachoma is characterised by a water washed disease, which means it is prevalent in circumstances where little water is available for hygienic purposes. The spread of the disease is the main source of infection.

NINE young children whose mothers were jailed for pass offences, by a Langsa Commissioner's Court yesterday have been separated from their mothers and taken to a place of safety.

The children, are aged between six years and 18 months. Most of the mothers were unable to pay their fines and only those children which are being breast-fed were allowed to remain with their mothers.

The women were found guilty of being in the Western Cape illegally for more than 72 hours and were fined R60 (or 60 days) and a further R10 (or 10 days) for failing to produce identity documents.

## 29 APPEARED

Twenty-nine people appeared in the court yesterday, including two men and a 15-year-old girl. The girl was warned and acquitted.

Four women and two men who pleaded not guilty were found not guilty and acquitted.

Six of the nine mothers who could not pay their fines each appeared with two children. The seventh, Ellenor Vinnawa, had three-year-old twins and a two-month-old baby. The twins were taken away from her.

Various reasons were given by the women when asked by the commissioner about their presence in the Western Cape.

Some said they came to Cape Town to find out why their husbands had stopped sending them money. Others said they had come here to receive better medical treatment.

When asked how she paid her way to Cape Town one of the women, Gloria Sandla, said she came by bus, the bus conductor was paid by her husband as soon as she arrived here.

## WORK SOUGHT

Another accused, Nophumzile Thulumane, mother of two boys aged six and four, told the commissioner that she came to Cape Town to find employment. Although she had been here for more than a year she still has not found work, she said.

She was fined R85 (or 85 days), because of a previous conviction. She could not pay the fine and was sent to prison. Her two sons were taken to the place of safety.

Mr L. van Wyk was the presiding

attitude towards the disease. Hence we have attempted to involve villagers themselves in the control of trachoma.

## 2. FORMATION AND FUNCTIONING OF THE CARE-GROUPS

A hospital based team, consisting of a male social worker and a female nursing assistant, have been entrusted with the task to motivate and train groups of village health workers, known as care-groups.

Initially, after having contacted the village authorities and key persons, the team presented the problem of trachoma to the community and they discussed together ways of solving it. Members of the community were then motivated to come forward as volunteers. These villagers, mainly women, subsequently organised themselves as groups and elected their chairlady. It was made clear from the outset that the work was purely voluntary, their reward being good health for themselves and their community.

Later communities which had heard about Care-Groups often requested help to establish their own groups. In these cases initial priority was given to the health needs expressed by the community concerned.

The training of the Care-Group is a continuous process and takes place each time the motivators visit the group. In places where there is a clinic the clinic staff works together with the group, advising and continuing the education.

In the Northern Transvaal trachoma is considered to be a suitable means to introduce primary health care into a community. It is well known to all, its relation to hygiene is easily understood, treatment can be given by the Care-Group and is seen to be effective. The group members are quick in understanding and recognising the disease and in learning to exert the upper

holds where they live. Trachoma and give treatment where necessary. Other ailments encountered are referred to the clinic or hospital. Each Care-Group member keeps a record of her visits made.

2/...

3/...



(27)

Adult education projects would of necessity need to include leadership training and the encouragement of community participation in identifying needs and planning projects.

b) Community Betterment Schemes.

Once the community had been mobilised through adult education programmes and new confidence had been instilled into the people and their ability to make a positive contribution to combatting mal

- c) emphasis should be
- 1) Using whatever vegetable garden education with re be intensified.
- ultural co-operat etc. Properly or
- ii) The improvem best be effected will only come ab water supply is tr
- iii) The establis in the remoter are
- iv) Community awa problems such as a
- v) Health and nut
- vi) The establisment of "vigilante" committees to ensure that action is taken against persons or groups who endeavour to exploit rural communities. Attention could then be paid to shopkeepers who disregard price control regulations, civil servants who demand bribes, and school authorities who embezzle funds.

(28)

planned and implemented by the people themselves.

c) Projects involving migrant workers.

Community development workers in the rural areas face an almost insurmountable problem in the form of the migrant labour system.

Blocks who live and work in the urban areas can look forward to improvements in their work and living conditions as a result of improved labour practices and the

# Pass law separations 'inhuman'

Agus 14/4/8

206

THE separation of children from their mothers convicted of pass law offences has been strongly condemned

Organisations associated with the effects of the pass laws today commented on the hearing at the Langa Commissioner's Court yesterday when nine children were sent to a place of safety and their mothers, unable to pay the fines for their convictions under pass laws, were sent to jail

A spokesman for the National Institute for Crime Prevention and the Rehabilitation of Offenders said Nicro was opposed to institutionalisation of any kind and queried the morality of the pass laws.

### MEDIEVAL

The SA Institute of Race Relations (SAIRR) compared the practice to medieval times when condemned hungry men and women were deported for stealing sheep

The Athlone Advice Office said it believed influx control was unchristian and inhuman, especially as applied to the wives and children of legal workers

Linda Christiansen, director of Cape Town branch of Nicro said that the mothers and their children were being punished for something that both parties did not believe was wrong

'The fact that the law is there does not mean that the offenders' behaviour was immoral. By enforcing

the law we are not preventing crime

'The outcome is that two innocent parties are split. They become emotionally charged and a volcanic situation develops,' she said

Mrs Daphne Wilson, chairman of the Western Cape Region of the SAIRR, called for an immediate halt to these practices

'Whichever way the politicians bandy around with political and economic issues in this country, there is no possible way for even the extreme right to condone an enforced separation of mothers from their toddler and pre-school children, simply because these mothers are convicted for looking for work,' she said

### 'BITTERNESS'

She said that the psychological effect of such forced separation on the children and their mothers would inject 'so much inherited bitterness into our society that our rulers should stop now and weigh the consequences'

Mrs Val West of the Athlone Advice Office questioned the humanity of a law which subjected young children to 'the terrifying experience of watching their mothers taken away from them and being themselves removed to a "place of safety"'

'A child's greatest safety is with its mother. We despair for a Christian country which has such laws on its statute book,' she said

11) Considerable work should be encouraged to consider 'home improvement projects' whether they are related to agriculture, animal husbandry, type of dwelling etc. He should be assisted to make the necessary savings and acquire the necessary knowledge while in the urban area. Perhaps each year a different project could be undertaken. Essentially this would necessitate the organisation of adult education groups in hostels etc.

that action is taken against persons or groups who endeavour to exploit rural communities. Attention could then be paid to shopkeepers who disregard price control regulations, civil servants who demand bribes, and school authorities who embezzle funds. Many other projects are feasible but the essential ingredient of every one of them should be that they have been

# Jailed mothers freed, fines paid

Argus 16/4/81

ALL nine women who were sentenced in the Langa Commissioner's Court on Monday to prison terms ranging from 40 to 58 days were released from Pollsmoor prison today after their fines had been paid.

Within hours of a report of the case appearing in The Argus on Tuesday, anonymous people raised more than R700 to ensure the release of the women.

However, when the money was taken to Pollsmoor today all but one of the

women had already been released. — their fines having been paid by relatives and friends.

The only person from the group who was still in prison was Mrs Bukulwa Tema who was released after her fine of R70 was paid.

Mrs Tema, who lives in Crossroads and who speaks very little English, said that when she went to prison her seven-month-old son was taken away by relatives.

She said she understood that her husband had taken the child to relatives

up-country because he believed she would be in jail for more than two months.

Mrs Tema and the eight other women were jailed when they were found guilty in the Langa Commissioner's Court on Monday of being in the Western Cape illegally for more than 72 hours.

Some of them were also found guilty of failing to produce identity documents.

The women were unable to pay their fines which ranged from R40 (or 40 days) to R85 (or 85 days).

Those with breast-fed babies were permitted to take those children to prison with them.

Relatives offered to take care of the other children whose ages ranged from 18 months to six years.

The director of the Athlone Advice Office, Mrs Val West, said people's spontaneous response was commendable.

However, I would like to point out that this is not an isolated incident. It happens all the time, she said.

Department of Comprehensive and Community Medicine, University of Cape Town.

Bruce Dick \*  
David Bourne

Mortality Rates, Age and Cause Specific Mortality Rates, Proportional Mortalities and Expectations of Life are presented, and the major trends are discussed.

Mortality Rates, Age and Cause Specific Mortality Rates, Standardised during the period 1929 to 1970. Infant Mortality Rates, Standardised

Coloured and Black communities when available from official publications

South African mortality data have been collated and analysed for the White,

## SUMMARY

MORTALITY IN SOUTH AFRICA, PART I

1929 - 1970



## REFERENCES:

1. Interim report of the working party on the future of general practice pharmacy. The Pharm J July 1 1978.
2. Communicating the value of comprehensive pharmaceutical services to the consumer. The Dichter Institute for Motivational Research 1973.
3. How we screen and monitor hypertension patients in our community pharmacy. Baker, Emil W, Pharmacy Times, March 1978.
4. The first 100 patients in the Valkenberg Psychogeriatric Assessment Unit. P. Verrier-Jones et al SAMJ Vo 54, 3 1978.
5. Survey of general practice pharmacy 1974. ed. Bloomfield J.C., F.I.P.

ROM 16/4/8

# Group Areas Act charges carry on

Staff Reporter

PROSECUTIONS for illegal employment and illegal accommodation continued in the Johannesburg Magistrate's Court yesterday with 30 people appearing on the first charge and 28 on the second

An elderly boiler-attendant at Hurlingham Flats in Illovo, Mr Nelson Ngubane, pleaded guilty to charges of allowing his two children to visit him during their school holidays. Mr Ngubane, who earns R80 a month, said: "After I received the summons I took them back to the homelands." He was found guilty and fined R15, or 10 days

He was also convicted on a charge of failing to appear in court

On this charge he was fined R10, or 10 days, after telling the court: "I had permission from my employers to take my children to the homelands and thought I would be back in time to settle this matter"

After the hearing, Mr Ngubane said: "This is very bad — when I want to see my children I have to go to the homelands. But what can I do — I must stay alone, it's the law."

Mrs Sally Ndlovu, 46, a domestic servant in Berea, told the court she had sent her children to KwaZulu and her husband to the single-sex hostel in Jeppe after a visit by West Rand Administration Board inspectors

She told the magistrate, Mr J de Villiers: "They ordered me to send my children to the homelands."

Mrs Ndlovu, who earns R50 a month, pleaded guilty and was found guilty on a charge of illegally accommodating her husband. She was fined R10, or five days.

She was not charged for having her children with her, though Mr De Villiers mentioned the possibility of summoning her employers on this charge.

Mrs Ndlovu was also found guilty on a charge of not appearing in court and was cautioned and discharged.

She said: "When the (Wra) inspector came around he told me to appear in court today — he said nothing about a warrant of arrest. The warrant was issued when she failed to appear on February 12

A Bostonia man, Mr Amos Mzimela, was fined R10, or five days, for allowing his wife to

stay with him when she was ill. He told the court she had returned to KwaZulu.

He was also fined R5, or five days, for failing to appear in court on February 12. Mr Mzimela, who earns R70 a month, told the court he had lost the original summons and did not know where or when he had to appear.

# Babies cry as mothers convicted of pass offences

Aug 22/4/81 206

It is easy so to set that an ample for adequate nutr

The inadequate wa been a source of c decided to include ed its day-to-day

Source of water (1 Response l-erce Protected spring Unprotected spring River or stream Tap Well

Other

Time taken to colle Less than 5 minutes 5-15 minutes 15+ minutes

Approximate amount (Table Thirt Eight) Unable to estimate 6-20 litres 21-40 litres 40+ litres

Not one of the households boiled water prior to cons The reasons for not boiling water (Table Thirty Nine) Did not need to 30% Filtered water through muslim 2% Why should we? 68%

A WOMAN carrying her month-old twin babies was among nine mothers convicted of pass offences at the Langa Commissioner's Court yesterday.

The mothers were fined from R10 (or 10 days) to R60 (or 20 days). Two of the convicted mothers will be separated from their children if they are unable to pay the fines.

During yesterday's proceedings babies' cries could be heard from the cells adjoining the court. With their babies on their backs, the mothers stood before the magistrate, Mr W Fourie. Most of them said they had come to the Cape for medical reasons.

Of the 13 children who appeared with their mothers in the court, 10 of them were under 18-months-old.

The mothers were fined a total of R460. Two were fined R60 (or 20 days) for being in the area illegally for more than 72 hours and a further R10 (or 10 days) for failing to pro-

54% 14%

duce an identity document.

Five were fined R60 (or 20 days) on the first charge. Two were fined R10 (or 10 days) on the second charge.

A tenth mother was cautioned and discharged on both counts.

Mrs Zimasile Mshumi told the court her month-old twins had stomach problems. While she was in the dock with the twins in her arms they began to cry.

She said she arrived in Cape Town on Monday

and was arrested at the Langa single quarters the same day. She had left her travel documents in Guguletu.

She was cautioned and discharged for being in the Cape illegally for more than 72 hours and fined R10 (or 10 days) for not producing her travel documents.

Mrs Christina Ngxaka entered the court with her four-month old baby on her back. A police sergeant ushered her four-year-old son into the court.

She told the court she had come to the Cape for a check-up following an operation she had in Cape Town in November last year.

She was fined R60 (or 20 days) for being in the Cape illegally for more than 72 hours and R10 (or 10 days) for failing to produce identity documents.

The prosecutor, Mr D Mngomeni, said he had been in contact with Poll-smoor Prison and they would not be able to take

the four-year-old child if the accused was unable to pay the fine the child would have to be detained at a place of safety.

Mrs C Tshanlambo told the court she had arrived in Cape Town by bus yesterday. She had lost her handbag while trying to run away from the inspectors who arrested her.

She was cautioned and discharged and warned to either obtain permission

(Continued on Page 3, col 2)

as an inadequate diet.

37% of the mothers of the children not suffering from malnutrition described what the research team evaluated as an adequate diet.

The figures indicate that, while ignorance about nutrition is a factor in malnutrition, it should be noted that 61% of the mothers of children suffering from malnutrition had adequate knowledge about what constituted a healthy diet. The fact that they quote diet could be related to one or more of the following facts:

- i) insufficient income to purchase the necessary diet
- ii) the mother may not be the person doing the buying and the cooking
- iii) a fatalistic attitude on the part of the mother whereby she is in possession of the relevant knowledge but is not convinced of the relationship between diet and disease.

22/4/81 Babies 206 (Continued from page 1)

to be in the Cape or to leave the area.

An American woman on a visit to South Africa who attended the proceedings yesterday said she was 'horrified' at what she had seen.

The woman, who did not want to be named, said 'I wonder what the whites would do if their wives and children were arrested and taken away from them. I wonder if they ever think about it?'

... have what the research team evaluated



25/4/81

# Pass laws relaxed 206 in Cape Peninsula

CAPE TOWN — The Minister of Co-operation and Development, Dr Piet Koornhof, last night announced a limited relaxation of influx control measures for black people coming temporarily to the Cape Peninsula

He said those who came for medical treatment or to visit relatives could stay provided they found their own accomodation and notified administration boards of their addresses.

He did not specify the period involved but his statement, at a Nationalist meeting in Gardens, amounts to a relaxation of the pass laws preventing these people being in a white area for more than 72 hours without a permit — DDC.

(News by M.P. Acott, 77 Burg Street, Cape Town)

-inter-  
low inter-  
and that  
conditions

(2) resolved that recommendation (c)(1) and (11) be approved with particular reference to the

(1) noted that in previous discussions on this question it had stipulated that students must clear their calculators and sign to the effect that this had been done, prior to writing examinations. In view of the further development of calculators to the stage that the memory could not be cleared,

(1) that the Sub-Committee sees no reason to ban the use of such calculators in examinations; and  
 (11) that academic staff take note of this situation when setting examination papers." The Board

(c) "The Use of Programmable Calculators with Retainable Memories:

(a) Use of Calculators in Examinations  
 Members noted that there is no clear policy in regard to the use of calculators by students in examinations. In view of divergences in practice reported the Committee resolved that the Registrar request heads of departments to display notices on departmental notice boards so as to inform students for what examinations the use of calculators (whether programmable or not) will be permitted. Heads of Departments are to be requested to send a copy of the notice to the Registrar for him to advise the invigilators of the examinations in question.

15. USE OF PROGRAMMABLE CALCULATORS:  
 The Board considered the request of the Student Engineers' Council and resolved that calculators used in examinations must be switched off (or the memory cleared) at the start of the examination and may in any event not be programmable by magnetic card.

204 77  
 Board mins.  
 Eng'g Board

14/10/74  
 G.P. mins  
 Eng'g Board  
 mins 22/4/76

**A**

**crying**

S. Tribune

26/4/81

~~211~~

206

**shame**

**'The separation of mothers and children because of sentences under the pass laws is a scar on the future of South Africa'**

**Babies suffer too when mums are jailed**

CHILDREN who suffered the devastating psychological effects of seeing their mothers hounded and jailed for pass offences grew up hating the police and with no respect for the law, Mrs Noel Robb, director of the Athlone Advice Office, said this week.



S. Tabane

206 / 4 / 81

206

And Mrs. Val West another staffer of the advice office which tries to assist people caught in the frightening net of the pass laws, said increasing numbers of women with young children were now being arrested on the Cape Peninsula.

Spokesmen for a number of organisations said the agony of children separated from their jailed mothers was one of the worst aspects of the harsh pass-law system.

They were commenting after nine children were sent to a place of safety in a single day this week after their mothers had been jailed for from 40 to 85 days for being on the Peninsula "illegally."

While in this case all the mothers were released four days later when relatives, friends and concerned members of the public paid their fines, Mrs West pointed out that the incident was not isolated.

The children ranged in age from 18 months to six years. Only babies being breast-fed were allowed to accompany their mothers to jail.

The mothers told the court they had come to Cape Town for medical treatment, to find jobs or to investigate why their husbands had stopped sending money home.

Commenting at an election meeting this week, the leader of the opposition, Dr Frederik van Zyl Slabbert, said the separation of mothers and children because of sentences under the pass laws would remain a permanent scar on the future of South Africa.

He challenged the Prime Minister, Mr P. W. Botha, to justify the arrests, the sentences and the way the children were taken away from their mothers.

"No political system or government that depends on such laws to maintain stability can guarantee any enduring security for anybody."

**By Tony Spencer-Smith**

Mrs Robb said one could imagine the terror of young children separated from their mothers.

"Last year, we had a case of a child of two left screaming in the street when the mother was arrested."

What are the mothers supposed to do?

"So often the argument is that they should just go back to the homelands. But they say there is nothing for them there."

Mrs West said the effects on the children amounted to them being punished along with the mothers.

Mrs Daphne Wilson, chairman of the Western Cape region of the Institute of Race Relations, said not even the extreme Right could condone the enforced separation of mothers from their toddlers and pre-school children, simply because those mothers were convicted of looking for work.

The director of the Cape Town branch of Nicro, Miss Landa Christiansen, said the devastating psychological effects on the children could not be overestimated.

"The first six years of life are the most formative and impressionable."

"For an innocent child to be slapped into an institution is a terrible thing."

The advice office's pass courts observer, Mrs Di Ratchiffe, said that even after three years of sitting in the courts it horrified one to sit there and see little children torn from their mothers.

Mr Tamo Bezuidenhout, Chief Commissioner for the Western Cape conceded that it was "not a good thing" but said no child would ever be forced to go to a place of safety.

Report by Tony Spencer-Smith of 85 Field Street, Durban.

S. Times, 26/4/81

# 108 'no-home people' share classroom

By MIKE VAN NIEKERK

MORE than a hundred desperate women and children are living in a classroom in Cape Town's Langa township while they wait for an answer to a letter addressed to the Minister of Co-operation and Development, Dr Piet Koornhof

Most of them are legally in the Western Cape but they now have nowhere to go after being evicted last month from Langa hostels — known as barracks — where they lived with their husbands

While the 108 women and children are living at St Francis cultural centre, 66 men are staying at St Cyprian's Church

"We went to the church because they are the only ones who help us," said Mrs Miriam Ntloya

## Compassion

And out of compassion Father Matthew Gormley, the priest in charge of the St Francis cultural centre, allowed them to move into the only space he had — a small classroom the size of a big lounge

"But it is an impossible situation," said Father Matthew "We all know they cannot stay there for much longer

"They are having meetings every night to find ways of overcoming their situation and they are still waiting for a reply to their letter to the Minister of Co-operation and Development"

Nearly two weeks ago the women sent a letter to Dr Piet Koornhof, requesting an urgent meeting to discuss their plight



"Starvation awaits us in Transkei. We can't go there"

The letter, written in Xhosa, began "We are the people who were chased and thrown out of the Main Barracks in Langa"

After criticising the Administration Board of the Western Cape, it ends

"We are still staying at the St Francis Church and do not know where to go We need and want to see you before Thursday"

In March over 600 people were evicted from the barracks

to make way for private companies who wanted to renovate them to house their migrant workers

Most of those evicted had come from areas around Killarney and Hout Bay where they were working in the fishing industry

They had been given the assurance that if they moved from their shacks in the bushes they would be housed in the barracks until suitable accommodation could be found

Mrs Ntloya echoed most poignantly the sentiments of the classroom women

"They say we must go back to the Transkei but we cannot There is nothing for us there but starvation

"There is no work, we are far from our husbands and there are no proper medical facilities for our children

"I want to stay here because if my children get sick in Transkei they will just die

"If you take your child to a hospital in the Transkei they put them four to a bed and when they die you get them back in a cardboard box That is not human"

EXTERNAL EXAMINERS : MBA XVI 1980/81, PART-TIME, MODULE 111

Please include the following for consideration as External Examiners, in the next Dean's Circular

Name: Professor C W I Pistorius  
Graduate School of Business  
Corporate

Dear Mrs Thesen,

Mrs M Thesen  
Commerce Faculty Officer  
201 Leslie Commerce Building  
UCT Upper Campus

27th November 1980

PROFESSOR JOHN SIMPSON  
Director

TELEPHONE 69 5382/3 TELEGRAMS 'GRABBUS CAPE TOWN' PRIVATE BAG, RONDEBOSCH 7700, CAPE

UNIVERSITY OF CAPE TOWN







# Ex-policeman on fraud charges

STAR  
1/5/81  
206

## Court Reporter

A former Railways policeman appeared in the Johannesburg Regional Court today charged with receiving bribes and fraudulently obtaining reference books for people to work and live in Johannesburg.

Mr Edward Masinga (29), of Dobsonville, Soweto, pleaded not guilty to

55 counts of fraud and corruption.

The State alleged that he abused his position at New Canada police station and "fixed up" people with reference books. In return, he unlawfully accepted payments of more than R1 000 between May and September 1979.

Mr Masinga denied the allegations.

The case has been postponed to May 20.



# Trespass charge since withdrawn

A charge of trespassing brought against about 140 workers who went on strike at the Union Co-operative Bark and Sugar Company in Dalton, Natal, has been withdrawn.

The workers were dismissed last month when they failed to meet a management deadline for a return to work. They were arrested by armed police after gathering on the company's football pitch, and were later charged with trespassing.

According to a spokesman for the Sweet, Food and Allied Workers' Union, 200 of the workers have applied to the Natal Provincial Division of the Supreme Court for an order requiring the company to restore them to the compound from which they were evicted after the strike.

# AG's office to probe pass-law allegations

RD 24/4/81

206  
11/11

By JOUBERT MALHERBE  
Pretoria Bureau

THE Transvaal Attorney-General has appointed one of his senior advocates to investigate startling claims about the treatment of pass-law offenders in commissioners' courts

The claims were made by a former commissioner's court prosecutor, Mr Adam Klein, who last September walked out of a commissioner's court during a trial in which he was prosecuting

Mr Klein, who was soon to be appointed a presiding officer in the commissioner's court, said at the time that the reason for his action was that he was "tired of practising apartheid under the guise of justice"

Mr J J Pelsler, SC, a staff member of the Transvaal Attorney-General's Office, confirmed yesterday that he had studied Mr Klein's report — and discussed it with him on Wednesday

Shortly after Mr Klein walked out of the court he was arrested on a charge of the theft of court documents. His flat was raided by police who seized his passport and other documents

The theft charge was later withdrawn, but his passport and the documents have not been returned

Mr Pelsler said yesterday that he was investigating the seizure of the passport

He said Mr Klein had given him the names of the policemen who raided his flat

In his report, Mr Klein alleged

• That there was a standing directive from the Department of Co-operation and Development to commissioners' courts to postpone all pass offence trials for at least three working days to enable the department to bring its records up to date. Almost without exception, accused were held in custody for the three days,

• That only in about 50 of the estimated 8 000-12 000 cases heard in the Pretoria Commissioner's Court in 1980 was bail granted — and then it was so high that the accused could not pay it,

• That several youths under the age of 18 had appeared in court without their parents being unaware of their whereabouts. By law, parents or guardians of youths are obliged to assist them at trials

Mr Klein also dealt at length with alleged irregularities at aid centres, created to assist people arrested on pass-law offences

He claimed that information

gleaned by officials at the aid centre — where, he said, accused were never legally represented, nor their right to remain silent explained to them — was passed on to the commissioner's court to facilitate the prosecution of offenders

Mr Klein alleged that aid centres had "crept in at the back door of the courts" and were fulfilling the function of the courts

He alleged that the pass laws were no longer used to prosecute people with the view of punishing them in terms of the law — instead, they were now being used to set up a register of offenders which would be used to repatriate them to "homelands"

In a section dealing with aliens, Mr Klein told of a former member of the Portuguese armed forces who had fled to South Africa and applied for political asylum

Mr Klein said he was repatriated to Mozambique — "and I can only imagine what happened to him"

"I believe that a system (such as the pass-law system) will always cause irregularities. How can the principles of law be applied to a system which allows for hundreds of people to be locked up daily?" Mr Klein concluded



72000, LINE 21 7084 LFS MARRIS  
WEST

ands' of armed police are

# Swoop

[Faint, illegible text or markings]

[Faint, illegible text or markings]

raiding sites along East Rand

# On workers

(B) (206) (243)  
STAR  
8/5/81

## Staff Reporters

Hundreds of unregistered black workers are being arrested in widespread raids on the East Rand

The raids, by van loads of armed East Rand Administration Board police, are aggravating the already critical labour shortage, according to employers

The workers are mainly from rural areas where there is no work and they have found jobs with builders desperate for labour

The situation is becoming chaotic, say the builders as the desperate work-seekers try to get registered. But they cannot because registration is dependent on having accommodation and the housing shortage on the East Rand is acute

According to a spokesman for the East Rand Administration Board (Erab) there is a shortfall of more than 21 000 houses and an unknown number of hostel beds in East Rand townships

The accommodation situation in West Rand townships is even worse. Soweto alone has an official backlog of 33 000 houses

Building contractors are particularly bitter about the way influx control regulations are hamstringing them

"It is impossible to register the labourers we need

because we cannot find accommodation for them," a West Rand construction firm says

Many companies are taking the risk of employing workers they cannot register but they risk fines up to R500 per worker if found guilty of taking on illegal labour

The situation on the East Rand has particularly angered both builders and workers

According to one contractor, Mr Marthinus Boovens of Boksburg, Erab police have raided the huge building site at Sunward Park, Boksburg, over the last four days

"Yesterday the Erab officials arrived in about 10 vans with traffic cops to stop men who tried to escape in vehicles," he said

Property was damaged in the raid which has netted hundreds of workers in that area alone, builders told The Star

The housing problem on the Reef is not a new one and it is not uncommon for people to wait five or even eight years for a house

In 1979 40 families without homes put up shanties on the border of Daveyton township outside Benoni. They were dispersed by Erab police.

Page 17 — Building industry on Reef blind.



ET-7/5/81  
206 324

# Mothers and their babies go to jail

Staff Reporter

A NUMBER of babies, their ages ranging from two weeks to three years, accompanied their mothers to jail yesterday when 29 women appeared in the Langa Commissioner's Court on charges relating to influx-control regulations.

Some of the women were convicted on charges of being in the Peninsula for more than 72 hours without obtaining a permit and/or with failing to produce their identity documents.

As the women entered the dock, some carried their babies in their arms and others on their backs. Two women each had a set of one-year-old twins.

Seven women were fined R60 (or 60 days) on the first count and R10 (or 10 days) on the second count.

They were Nomangesi Kwenje, with a year-old baby, Beatrice Nceto, with an 11-month-old baby, Anna Tshabane, with a two-year-old baby, Victoria Msweswe, with a one-month-old baby, Nombuso Ntshwe, with a seven-month-old baby, Anne Boo, with one-year-old twins, Novukile Sogela, with a seven-month-old baby.

Two other mothers, Nosize Kondlo and Elizabeth Buda, and Flora Dura, with one-year-old twins, were fined R30 (or 30 days) on the first count and R10 (or 10 days) on the second.

Three mothers were each fined R60 (or 60 days) on the first count. They were Evelyne Mpole, Nomtuneko Fihlani and Nojongile Bhitani.

A fine of R60 (or 60 days) on the first count, suspended on condition that the accused left the area, was imposed upon Nobabalaza Tshazi, Nonkornponi Boo, Miriam Mei and Nowethu Gaqa.

Esther Moso told the court she came to Cape Town because her boyfriend did not support her and she intended to deliver the baby at the Somerset Hospital. She was cautioned and discharged on both counts.

Other mothers were also cautioned and discharged.

A fine of R10 (or 10 days) was passed on five mothers. They are Nofikile Nunu, who had a one-year-old baby, Ntombelanga Njomela, who had 27-month-old baby, Nonceba Dyantyi, who had two babies, one aged three years and another, aged seven months, Nosingle Mene, who had a one-year-old baby, and Nolist Wiso, who had a six-month-old baby.

● After the proceedings, a court official said that if relatives or friends did not fetch the babies before the sentences came into effect, the babies would have to accompany their mothers to jail.

Mr D Mngomeni prosecuted. The women were not represented.

ALL women who have to appear in Langa Commissioner's Court must first be taken to the Department of Co-operation and Development's aid centre, where everything will be done to help them and keep them out of court.

This was said today by the department's chief commissioner, Mr Timo Bezuidenhoud, who added that this course of action had been decided on after discussions with the Direc-

## Aid centres to help

tor of Labour, Mr P Pieter-

sen. These new instructions regarding women and mothers with babies who have to appear in court follows an order by the Minister of Co-operation and Development, Dr Piet Koorhof, to Mr Bezuidenhoud to investigate such

cases following a report in The Argus on April 22. Arrested women taken to the Aid Centre will be allowed to make a telephone call to a friend, the Black Sash or the Athlone Advice Office to take care of their children. 'People are now being sifted to see if their offences are not purely tech-

## arrested mothers

Advised and to determine whether their cases really have to go to court.

Arrested women with children can either give their children to friends or, if they are sucking, the children will be allowed to accompany their mothers to court, or mothers may leave them

at a place of safety, he said.

Aid centres must screen people thoroughly and give them legal advice and bail. They must keep them out of jail, if they can. 'I am not saying arrests will stop, because the influx laws are there and we must act accordingly,' Mr Bezuidenhoud said.

205  
7/5/81



# Too little labour, housing police raids

By Lynne Cornfield, Erik Larsen and Anthony Duigan

A vicious circle of growing labour shortages, regular police raids against unregistered workers and a severe black housing shortage, has led to a crisis in the building industry on the East Rand, according to many builders.

The labour shortages the result of the building boom, have been aggravated by the regular raids on construction sites by East Rand Administration Board (Erab) police, builders have told The Star.

The core of the problem is inflation control regulations which can be up an employer in time-consuming red tape and require a worker to have officially sanctioned accommodation before he can be registered in any job. But right now there is a shortage of at least 21 000 houses and an unknown number of hostel beds in East Rand black townships, according to Erab.

Workers coming into the Reef from rural areas where there is little or no work can get jobs but risk immediate arrest and imprisonment if discovered by the raiding police.

Builders said they were forced to employ unregistered labour because of the serious shortage of legal building workers on the Reef.

Mr Basie Pretorius, a spokesman for the Master Builders Association on the East Rand, said he had received numerous complaints from his members about Erab raids against their workers.

# OM REEF in building industry

critical black housing shortage on the East Rand.

"We want to keep in side the law but are being stifled from every angle."

Several building contractors told The Star they were forced to employ illegal labour if they hoped to complete their contracts. Often builders were angry about the disruption caused by the Erab raids.

**DAMAGED**

A spokesman for the Board said the raids this week were "routine checks." No special raids were laid on Mr Marthinus Ecojens, a Boksburg builder, said about 30 of his labourers whom he could not register were arrested in a raid earlier this week. He claimed the raiding officials had damaged property in their efforts to arrest men who tried hiding in the houses under construction.

An Erab official said this allegation would be investigated.

Another Boksburg contractor, Mr D E Parkin, said the raids were seriously disrupting the building industry.

"I have already had one case brought against me for employing an illegal worker thrown out by the courts," he said. "But I don't have the time to contest each and every case brought against me."

Mr Frank Catlich, a large contractor, from Edenvale, said his firm had endless problems because of raids. "But to complete our contracts we are often forced to employ unregistered workers."

**IRONIC**

"It is ironic that there are people who want to work but cannot because they are not registered in the area," said Mrs Elsie Grobler of Homestead Builders in Primrose.

The Erab spokesman has appealed to employers to provide their own accommodation for workers wherever possible.

Earlier last year when the economy was not at such a peak there were empty hostel beds for single workers, he said. Now all hostels are filled to overflowing.

The board had an arrangement to let land in the townships to employers who could put up their own accommodation for workers, he said.

But a Benoni builder told The Star she had abandoned the idea of providing accommodation for labour because it was too expensive, especially for a contractor who worked in different areas.

**LOOKOUT**

Another builder told the story of a plastering contractor who employed a man just to sit on a roof and keep a lookout for possible raids.

A spokesman for one of the largest builders in Benoni, Goede and Co, said up to half the men they tried to employ could not be registered for one reason or another. This left them vastly understaffed.

For a long time his firm had tried to rent ground from Erab but had been referred from one person to another, he said.

"But at last we seem to have found the right person and very soon we hope to be drawing up plans for building our own accommodation."

A spokesman for a large construction company said his firm erected temporary accommodation wherever it worked on a contract. "Of course this is added into the tender price for the job," he said.

**HOMELANDS**

Large companies went through the process of legally recruiting in the homelands, he said. "But when we talk of recruiting, we talk of lots of money."

Erab have acknowledged the critical housing problem and have budgeted more than R27-m for housing this year — a record.

Between 1978 and 1980 the registered population of Erab townships increased by about 167 000, the chairman of Erab, Mr Schalk van der Merwe, said recently.

Still too many police raids

# Break law on migrants firms urged

Argus Correspondent

JOHANNESBURG. — The South African Council of Churches has urged Christian employers to accept the consequences of breaking the law, and to enable migrant labourers and their families to live together.

In a number of decisions on the Government's homelands policy and related laws, the national conference of the SACC yesterday:

- Called for pilgrimages to resettlement areas
- Declared that 'the fragmentation of the human community' resulting from the homelands policy was a threat to world peace and contrary to Christ's teaching.
- Committed itself to 'waging war' on the migrant labour system.

## LIVE TOGETHER

The conference said the migrant labour system caused 'appalling devastation' and it urged employers to take steps to enable families of migrants to live with them where they worked.

It urged Christians to use their influence in employer organisations to press for the abolition of the pass laws and to press for an end to single-sex hostels for married men and women.

Churches were urged to link their work among workers in compounds to that among families in rural homes.

The report said that a draft Bill — which was never enacted — was aimed at justifying, theologically, a change of strategy to maintain white rule.

The new strategy involved converting 'an internal South African problem that expresses itself in growing unemployment, poverty, and frustration for the majority of people into an external problem.'

This was achieved by making blacks who were

needed in the white-controlled economy foreigners in South Africa and removing people no longer needed in the economy to independent homelands, the report said.



# Koornhof

Angus 8/5/81

## accused of evasion

206

255

340

DR Piet Koornhof's proposals to keep mothers arrested for Pass Law offences out of jail was a total evasion of the basic harmful issues the chairman of the South African Institute of Race Relations, Western Cape Region, Mrs Daphne Wilson, said today.

The Department of Co-operation and Development, under Dr Koornhof, has issued instructions that every effort must be made to keep people out of jail and that they must be given the opportunity to obtain legal assistance or contact aid centres.

Mrs Wilson said these palliatives had, in fact, been available to pass offenders for some time.

She welcomed Dr Koornhof's statement at an election meeting in the Gardens last month that Africans coming to the Peninsula to visit relatives or for medical treatment would be allowed to stay provided they found their own accommodation. This, she said, was a step in the right direction.

But his proposals for keeping people out of jail while symptomatic of a troubled conscience, 'were totally inadequate for the groundswell of pass arrests'.

Last year 15860 men and women were arrested by Administration Board

officials in the Peninsula alone for pass offences.

Mrs Wilson said it was an evasion of the basic harmful issues to

① Simply direct women with children to aid centres which would put them on trains back to the homelands

② Allow them to contact legal men or philanthropists who at best could do very little other than produce money to pay fines.

③ Send children of imprisoned mothers to be 'fattened up' at a place of safety.

Mrs Wilson said the proposals were a clear demonstration of the impossibility of making inhumane laws humane.

### EXPOSURE

'They do little more than try to prevent Press exposure through the obvious emotion charged cases where victims of these iniquitous pass laws happen to be women with young children,' she said.

Mrs Wilson said the 'horrific arresting' thing and imprisoning of people for the crime of seeking work or living with their families would continue to drag on as it has over many years, unless a completely new attitude was adopted by the Government.

'Dr Koornhof when he became Minister, was pragmatic in his approach to the Crossroads situation. Now he needs to take the next big step, a willingness to revise totally the underlying principles that at present place such appalling restrictions on human lives.'

# Sick <sup>CT</sup> 8/5/81 woman ~~214~~ ordered <sup>206</sup> back to Transkei

A COMMISSIONER at the Langa Commissioner's Court yesterday told a woman who had a doctor's letter of recommendation for a six-month permit to stay in the Peninsula that she had to go back to Transkei.

The commissioner, Mr. W. Fourie, confiscated the letter from Mrs. Nosebenzile Sikundla who appeared at the court with her six-month old baby.

She was charged with being in the Peninsula for more than 72 hours without a medical certificate.

In the letter, a doctor explained that Sikundla was seriously ill and had to stay in the Peninsula for another six months and receive treatment.

Mrs. Sikundla told the court that she was arrested before she had gone to the board to get a permit.

Mr. Fourie told her she should have taken the letter to the Administration Board's offices and requested a permit, but she said she did not understand that she had to ask for a permit.

Mr. Fourie then took the letter and told her that she must go back to Transkei.

She was one of the 20 mothers who appeared at the court yesterday. All the mothers had babies with ages ranging from one month to about four years old.

Mrs. Sikundla, whose letter was confiscated, had a six-month-old baby.

The cries of young babies could be heard in the courtroom from the cells.

Other mothers were charged with being in the Peninsula for 72 hours without a permit and/or with failing to produce identity documents.

Five women were convicted on both counts.

A mother with twins, Eunice Jonga, was one of them. She was fined R60 (or 60 days) on the first count and R10 (or 10 days) on the second count.

The others were Nocawe Sam, with one-year-old baby,

Nofezile Nohesi, with a two-month-old baby, Sophia Matshoba, with a 16-month-old baby, and Evelyn Peter, with a three-month-old baby, who were fined R30 (or 30 days) on the first count.

Peter told the court that she came to Cape Town to bring her child who was a cripple to a hospital as there were no such institutions in the Transkei.

Seven were convicted on the first count. They were fined R60 (or 60 days).

They were Nombure

Qoyiyana, with a eight-month-old baby, N Ngalo, with a one-month-old baby, Trifina Bonga, with a nine-month-old baby, Notundile Juwele, with a 20-month-old baby, Midah Skeyi, with a 15-month-old baby, Nolamile Gwalintloko, with a two-year-old baby, and Nomangile Jongulanga, with a baby.

Mr J J Fourie prosecuted



# Govt acts on jailing of mothers

CT 8/5/81

206

340

## Political Correspondent

THE Minister of Co-operation and Development, Dr Piet Koornhof, and his officials in the Western Cape have reacted swiftly to reports of black mothers, many with children, being convicted under influx control regulations.

The department has already issued instructions that every effort must be made to keep people out of jail and that they must be given the opportunity to obtain legal assistance or contact aid centres.

And the department's Chief Commissioner in the Western Cape, Mr Timo Bezuidenhout, has promised to investigate personally an incident in which a woman was sent back to Transkei after a doctor's letter recommending medical treatment here was taken from her by a commissioner.

Dr Koornhof promised "humane and sympathetic treatment" when he announced a limited relaxation of influx control last month following press reports of mothers having to take young children to jail after being convicted of being in the Peninsula illegally.

He told an election meeting in Gardens that people coming to the Peninsula for medical treatment or to visit relatives would be allowed to stay for these pur-

poses provided they found their own accommodation and notified the authorities of their addresses.

"I don't want to read in the newspapers about bad and hurtful cases. We are a civilized country," he said then.

Dr Koornhof was approached yesterday following the appearance of 49 black women, all with babies and three with twins, in the Langa Commissioner's Court in the last two days.

Most have been fined for being in the Peninsula for more than 72 hours without a permit and/or failing to produce identity documents. Those unable to pay fines have had to start jail terms.

Dr Koornhof said through his secretary that he would take urgent action as "he did not want this sort of thing to take place". He was in immediate contact with Mr Timo Bezuidenhout, who said he had reported to Dr Koornhof that instructions had been issued last week aimed at keeping influx control offenders out of prison.

Mr Bezuidenhout said orders had been issued to all inspectors following a meeting with the Administration Board's director of labour. Three considerations were to receive priority.

"I have given instructions that anybody apprehended must be taken to the Langa aid centre where their cases must be investigated. We must, at all costs, try to keep people out of prison wherever possible.

Secondly, those apprehended must be given the opportunity to telephone an attorney, the Black Sash Athlone advice office, a friend, or anybody else they feel may be able to offer them legal advice or financial assistance.

Thirdly, any women with children who do not want the children to go to jail with them can send them to a place of safety. We have had very favourable reports from parents who were surprised at how their children had picked up weight at a place of safety.

Asked whether this meant every effort was being made to ensure Dr Koornhof's undertaking was kept, he said "Yes, definitely".

The aid centres or advice offices should ensure that people entitled to temporary exemption from the 72-hour influx control regulation would be told that they qualified because they

were seeking medical treatment or visiting relatives

● Court report, page 2

2060 1407 1976  
STAR 9/5/81

# Natal compound case will affect thousands of workers

By Drew Forrest

Judgment has been reserved in a crucial Supreme Court action which may significantly strengthen the position of tens of thousands of migrant workers who live in compounds

More than 180 former employees of the Union Co-operative Bark and Sugar Company in Dalton, Natal, are seeking an interim order to return to the company living quarters which they say they were forced to leave after

a strike in March

They have argued in the Natal Provincial Division of the Supreme Court that they were forced from the compound at gunpoint by police and that the company acted unlawfully by not obtaining a court order of eviction

A similar application was granted in the case of one worker last week, but lawyers stress that neither this, nor success in the present action, would

create new law. They say, however, that their combined effect may be to "create a climate in which existing law is enforced"

They point out that the course of last year's Johannesburg municipal workers' strike might have been very different if the City Council had followed the due process of law — a lengthy one — in removing workers from compounds

More than 400 migrant workers at Union Co-

operative were sent back to their homelands after the strike and many have returned to Maritzburg on successive occasions for court hearings

Their legal, travelling and other costs have been born by the Fosatu-affiliated Sweet, Food and Allied Workers' Union

A second action, in which the workers will allege that their dismissal was null and void because they were illegally locked out of the mill, will be heard later this month.



# Call for revision of influx curbs

## Political Correspondent

THE Institute of Race Relations yesterday called for a complete revision of the principles underlying influx-control measures

Mrs Daphne Wilson, chairman of the institute's Western Cape region, said in a statement that recent measures to ameliorate the plight of pass-law offenders were totally inadequate

Noting that 15 860 men and women were arrested in the Peninsula alone last year for pass offences, she said it was impossible to make inhuman laws humane

She accused the government of doing little more than trying to prevent press exposure through the obvious emotion-charged cases where pass-law victims happened to be women with young children

"The horrific arresting, fining and imprisoning of people for the 'crime' of seeking work or living with their families, will continue to grind on day by day as it has over many years unless a completely new attitude is adopted by the government," she said

## Big step needed

The Minister of Co-operation and Development, Dr Piet Koornhof, had shown a pragmatic approach to the Crossroads situation when he first took over the department

"Now he needs to take the next big step, a willingness to revise totally the underlying principles that at present place such appalling restrictions on human lives"

Dr Koornhof's announcement

last month of concessions for blacks coming to the Peninsula for medical treatment or to visit relatives, was a welcome step in the right direction, but it had obviously not filtered through to administration board officials

"At any time confiscation of a recommendation, by a doctor for a patient to remain in Cape Town, as in the case of Commissioner W Fourie's appropriation of Mrs N Sikundla's medical certificate, earns the strongest protest, but even more so in the light of Dr Koornhof's statement"

## Troubled conscience

Mrs Wilson also criticized the three recent proposals announced by the Chief Commissioner for the Western Cape, Mr Timo Bezuidenhout, regarding the jailing of mothers arrested for pass offences

"While symptomatic of a troubled conscience, they are nevertheless totally inadequate for the whole groundswell situation of pass arrests"

It was a complete evasion of the basic harmful issues

- Simply to direct women with children to aid centres, who would put them on trains back to the homelands

- To allow them a chance to contact legal men or philanthropists who at best could do very little other than produce fine money

- In the event of these women going to prison, to send their children to be "fattened up" at a place of safety

"In fact all these palliatives have been available to pass offenders for some time," Mrs Wilson said

# No houses, but raids go on

THE growing housing backlog in the Reef's townships is being aggravated by red tape delaying building programmes already approved — while raids on unregistered workers continue

On the East Rand, where more than 21 000 families are waiting for houses,

Erab is still negotiating with the department of Community Development over how housing funds are to be allocated — six weeks after the Erab budget announcement of a record housing programme for the current financial year

Employer and worker anger focused on Erab last

week because of constant raids by Erab officials which have netted hundreds of unregistered workers

For four days running, armed Erab officials descended on construction sites in Boksburg and arrested workers who builders said, cannot get

registered because they lack officially-sanctioned accommodation

Erab raids have particularly angered builders who are already pinched by severe labour shortages

The Erab pre-dawn raids on employers has been the centre of anger and controversy in the past



# Evictions

# judgment is crucial

Evictions  
11/5/51

206

JUDGMENT has been reserved in a crucial Supreme Court action which may significantly strengthen the position of hundreds of thousands of migrant workers who live in compounds.

More than 180 former employees of the Union Co-operative Bark and Sugar Company in Dalton, Natal, are seeking an interim order entitling them to return to the company living quarters from which they say they were removed after a strike in March.

They have argued in the Maritzburg Supreme Court

## SOWETAN REPORTER

they were forced from the compound at gun-point by police, and that the company acted unlawfully by not obtaining a court order of eviction.

A similar application was granted in the case of one worker last week, but lawyers stress that neither this nor success in the present action will create

new law. They do say, however, that their combined effect may be to "create a climate in which existing law is enforced."

They point out that the course of last year's Johannesburg municipal workers strike might have been very different if the city council had followed the due process of law — a lengthy process — in removing workers from compounds.

More than 400 migrant workers at Union Co-operative were sent to the homelands after the strike, and many have returned to Maritzburg on successive occasions for court hearings.

Their legal, travelling and other costs have been met by the Fosatu-affiliated Sweet, Food and Allied Workers' Union.

A second action, in which the workers will allege that their dismissal was null and void because they were illegally locked out of the mill, will be heard later this month.

# Bloody Sunday for faction fighters

200

12/5/81

SOWETAN  
Reporter

FOURTEEN men were left dead when faction fighting exploded again in Natal on Sunday.

And in Soweto two more people were killed when feuding factions attacked tribesmen

The weekend toll of 16 is the highest on any weekend recently and among the highest since tribesmen started their fighting in my years ago

On Sunday fourteen members of the Ntanzu tribe were killed and eight injured in faction fighting in the Greytown area in Natal, police said

## Impi

They said about 300 members of the Ngubane tribe had formed an impi and attacked 100 members of the Ntanzu faction near Ematimatolo at daybreak

A strong force of police was sent to the district to keep the peace between the factions and investigate the fighting

Police said there was a longstanding feud between the two Zulu tribes

In Soweto the faction slayings were at the Dube Hostel. Police are investigating the deaths of the men killed in these fights. More than 30 people have now died in such clashes in the area in the last few weeks.



Sowetan  
12/5/81





ORDER FORM

For publications obtainable from the Centre for Intergroup Studies, c/o University of Cape Town, Rondebosch, Republic of South Africa, 7700

Name and Address: .....

Date: ..... Signature: .....

Cheque/Postal Order/Cash for R .....

ORDER FORM

For publications obtainable from the Centre for Intergroup Studies, c/o University of Cape Town, Rondebosch, Republic of South Africa, 7700

Name and Address: .....

Date: ..... Signature: .....

Cheque/Postal Order/Cash for R .....

Courts asked to ease up on pass offences

Own Correspondent CAPE TOWN - Magistrates at the Langa Commissioner's Courts have been given new guidelines aimed at ensuring the limited relaxation of influx control laws, announced last month, is applied

The Chief Commissioner for the Western Cape, Mr Timo Bezuidenhout, said yesterday his department was doing all it could to treat influx control offenders as humanely as possible

The Minister of Co-operation and Development, Dr Piet Koornhof, announced last month that black people who went to the Western Cape for medical treatment or to visit relatives would be given temporary exemption from the normal 72-hour restriction, provided they found their own accommodation

Since then nearly 50 mothers, many of them with young children, have been fined and/or sent back to a black homeland for contravention of influx control regulations

At least 10 of them told magistrates they had come to seek medical treatment for themselves or their children

One, Mrs Nosebenzile Sikundla, had a doctor's recommendation for six months of medical care withdrawn and was sent to Transkei

Although magistrates at commissioner's courts do not fall under the Department of Co-operation and Development, Mr Bezuidenhout said yesterday he had issued guidelines to court officials aimed at ensuring Dr Koornhof's latest concessions were implemented

"One of the guidelines is that when people say they are sick but have no proof, or if they look sick but do not say so, they should be referred to a district surgeon for examination"

He envisioned a situation in which such people did not appear in court, but were sent to administration board offices, where extensions and medical treatment could be arranged

Commenting on the opinion of Black Sash monitors that the courts only accepted certificates from hospital superintendents and not ordinary doctors, Mr Bezuidenhout said there was a standing arrangement with Provincial hospitals

RDM 13/5/81 206

THIRTEENTH ANNUAL REPORT 1980 (gratis)

People who needed further treatment were given a form signed by the superintendent or one of his officials saying an extension was needed. The patient or relatives could take this to the administration board offices, where an immediate extension was granted. FOOTNOTE Mr Bezuidenhout said, after a personal examination of Mrs Sikundla's case, that a Langa doctor had given her a letter on April 11 recommending six months' medical treatment in Cape Town. Mrs Sikundla had told the court she had not seen the doctor since then, but had gone to a witchdoctor in Nyanga. She had not taken the medical certificate to the administration board to seek an extension to her stay here. "The court then decided the medical certificate was not used for the purposes for which it was issued, in view of the fact that she admitted she was being attended by a witchdoctor"

groepstudies (gratis)

THIRTEENTH ANNUAL REPORT 1980 (gratis)

REPRINTS/HERDRUKKE (gratis)

- No. 14 Brand, Politics and African Trade Unionism in Rhodesia since Federation.
17 Groenewald, Sosiale Afstand by Afrikaans-sprekendes: Verdere Toeligting met 'n Steekproef van Studente.
18 Van der Horst, Women as an Economic Force in Southern Africa.

PLEASE CIRCLE ITEMS REQUIRED

# Builders face labour crisis as Erab raids go on

14/5/81  
STAR  
206  
3/1/81

By Anthony Duigan  
and John Bentley

East Rand Administration Board police continued to arrest unregistered workers this week as businessmen appealed for a moratorium to allow them to register much-needed workers.

Two Boksburg builders interviewed yesterday said that, unless a solution were found to the twin problems of lack of labour and an unyielding approach to the registration of new workers, the building industry would suffer.

Mr Z L Pretorius, director of the Witwatersrand Master Builders' and Allied Trades Association, said his organisation would approach the Minister of Co-operation and Development for discussions on the industry's serious labour problems.

Mr D E Parkin of Boksburg said the Erab raids appeared to be intensifying this week and he had asked the local member of Parliament, Mr Sakkie Blanche, for help.

Mr Blanche and local Erab officials had been helpful but his problem had not been alleviated, he said.

## ILLEGAL

Mr Schalk van der Merwe, chairman of Erab, said this week that all those arrested in last week's raids were single workers from black states who were not registered for work on the East Rand.

Last year employers were given a chance to register all illegal employees, he said. Now, in accordance with the recommendations of the Riekert Commission, an employer had to produce proof of accommodation for a worker before he could register him.

Several builders — who are particularly hard-hit by administration board

action against unregistered workers because of their fluctuating labour needs — said this attitude was "irrelevant in present conditions"

"When last year's moratorium was in effect we could not foresee the present building boom," said a builder. "We didn't need extra workers last year — but we need them now"

Mr van der Merwe said an employer could find a place for his workers at one of the board's hostels or could provide a temporary or permanent hostel on ground made available by Erab.

But builders maintained that ground was not as available, as Mr van der Merwe made out, or that it was too expensive for the smaller contractor to put up accommodation for workers.

But Mr Parkin, who has

decided to build his own hostel, said he had found Erab extremely helpful and his plans had been passed quickly. What distresses him, he said, was that, after the expense of buying beds and, building his own accommodation, he still had to pay rent of R8,25 a bed to the board.

Mr van der Merwe appealed to builders to use the recruiting services of the board's labour bureaux. He said there were more than 9 000 registered workers on the labour market who had to be given preference.

But a spokesman for a large East Rand builder said that, in his experience, registered workers might be available at the labour bureaux but they were not interested in working.

"They are usually so lazy that we have to fire them after a few days," he said.



NO  
 YAST  
 BY  
 0101

RECEIVED  
 1957  
 (SIR)  
 -GSHW

RECEIVED  
 1957

RECEIVED  
 1957

# The curious case of NOSEBENZILLE SKUNDILA



*Ag 14/5/81*  
 Nosenbenzille Skundila and her six-month-old baby.

(205)

On a grey Langa day Nosenbenzille Skundila from the Transkei was convicted in the Commissioners Court of being in the Cape area for more than 72 hours without the correct papers

She was fined R30 That R30 would have been better spent warming her baby, feeding her thin self or nourishing her skeletal husband

smiling sometimes but fearful

Mr W Fourie, a Commissioner of the Langa Court politely handed over the letter to us and we drove to the Administration Board offices, one minute away

They are bleak, the offices, with knots of quiet people and bare desks and a courtyard with what look like lavatorial blocks in the centre  
 There Mr O T Swart

ments and to have, in writing, the married quarters address where she would be staying That was all.

For the length of time recommended by the doctor, Nosenbenzille Skundila can stay

What do they feel, the Skundilas? They smile. What does Mr Fourie, imposing fines, keeping letters, feel?

'The laws are made by competent people,' he says What does he feel

'THE letter was in order,'  
he says.

Mrs Skundla gave her illness as her reason for being in the Cape with her husband. She handed to the Commissioner a letter from an orthodox medical doctor. The letter dated April 11, recommended that she stay in Cape Town for six months to clear her severe respiratory and pelvic infections.

The letter was in order Mrs. Skundla could, and should have used it as the basis of her appeal to the Administration Board to stay in Cape Town. However, oddly, the court kept the letter — although it was still the property of Mrs Skundla.

On an equally grey Langa day, we collected Mr. and Mrs. Skundla — she, mat-black, solemn, suckling the child. He, having taken a day off work, was supportive,

cal letter, asked questions through a black interpreter about her Transkei travel documents. All he needed from her, he said, was to see those docu-

Mr Swart, who made the decision to let Mrs Skundla stay?

'The letter was in order,' he says

Gorry Bowes Taylor

206

Argus

14/5/81



3. Mr Tubeless has been value his stock on advantages and disadvantages of stock valuation the change will be

4. Assuming that on 11 of stock valuation stated in his financial 1982.

(Conversion Course

Move to  
"keep  
people  
out of  
court"

OFFICIALS at the Langa Commissioners Courts have been given certain guidelines 'to keep people out of court who unnecessarily appear in court', Mr Timo Bezuidenhoud, the Chief Commissioner, said today

Although he would not specify what the guidelines were, he said they were designed to help people who had a definite case for not appearing in court, particularly because they had medical reasons for breaking influx control regulations

'A lot of unpleasantness can be avoided if people first reported to the Administration Board with their medical certificates to obtain the necessary permission to be here'

Mr Bezuidenhoud said that if there was any doubt a person could be referred to a district surgeon

Should it be necessary for a person to receive further medical attention at the provincial hospital, a letter could be obtained from the medical superintendent or someone delegated by him and permission to remain longer would be granted, he said

'We cannot water the law down, but we must have a decent, humane attitude. Our function is to give everyone fair treatment and I can say that I will fight for the black man,' Mr Bezuidenhoud said

It be much better for him to at basis. Discuss the effect of change to the LIFO or reference to the effect financial statements.

(5 marks)

It does change to the LIFO basis at which his opening stock will be the year ended 31 February

(2 marks)

ks - 20 minutes)

Staff Reporter

DURING 1980, 16 329 people — about 44 a day — were arrested in the Cape Peninsula for offences related to reference books and influx control, the chairwoman of the Western Cape region of the Institute of Race Relations, Mrs Daphne Wilson, said last night.

Delivering her report at the region's annual general meeting, Mrs Wilson said pass raids had gone on "interminably" in the Western Cape, and the Langa Commissioner's Court had been the scene of endless

CT  
14/5/81  
206

# Passes: 44 a day held

sentences of 30 days for the offence of working illegally in the Peninsula, or trying to find work live a family life.

Mrs Wilson said a "carefully worded" letter had been sent to the Minister of Co-operation and Development, Dr Piet Koorhof, on March 30 in connection with "pass raids, pass laws and the trail of human suffering in their wake, particularly relat-

ing to squatters in Langa".

The letter had been acknowledged, but as yet no reply had been received.

Just before Christmas the region had also sent a letter to the Minister of Justice to express its anxiety at the holding of 14- and 15-year-olds in solitary confinement.

During the month's "truce" in February and March when pupils agreed to suspend their boycott, textbooks were delivered to the pupils, but the authorities "remained adamant" that at this stage they could provide neither stationery nor setworks.

Examination fees for black matriculants were doubled from R10 to R20.

Mrs Wilson thanked Professor Hansie Pollak for "all her tireless efforts" on behalf of people seeking bursaries, in the face of a "devastating" drying up of funds from ASSET (the American South African Study Education Trust).

The theme for the annual conference of the institute this year would be "Resettlement". The conference would be held in Johannesburg on June 24 and 25, Mrs Wilson said.

Over the last six months the Western Cape region had shown "considerable growth" in several departments and in its overall membership, which now stood at 882.

The primary task to be undertaken by the research sub-committee this year would be an investigation of the social and economic position of the domestic worker in the Western Cape, she said.

Mrs Wilson said she would not be available for re-election this year, but would continue to take a deep interest in the work of the institute.



# No one <sup>CT 14/5/81</sup> 'forced' <sup>246</sup> back to <sup>206</sup> Transkei

Political Correspondent

NO BLACK people have been forcibly repatriated to Transkei or any other black homeland for nearly a year, according to officials at the Langa Commissioner's Court.

The officials draw a distinction between repatriation under police escort in terms of the law and sentences suspended on condition the people concerned leave Cape Town voluntarily.

This, they say, gives convicted blacks the choice of leaving or of facing imposition of the previous sentence if they are arrested again in the Peninsula area.

It also allows the people, many of them women with children, to apply for a permit and legalize their presence here.

The officials say no blacks have been repatriated under escort since 42 striking meat workers were ordered back to Transkei last June. The only exception has been a handicapped youth sent to be cared for by relatives in Port Elizabeth because of the particular circumstances of the case.

Although commissioners at the Langa court are on the staff of the Department of Co-operation and Development, their judicial decisions can only be contested in the Supreme Court.

● It has been pointed out to the Cape Times that Mrs Nosebenzile Sikundla, convicted of being in the area illegally after producing a doctor's recommendation, was not sent to Transkei either by order or under conditions of a suspended sentence.

# Influx control: 2 women fined

CT 14/5/81 706 340  
Staff Reporter

TWO women with young children were fined yesterday after being convicted under the influx control regulations at the Langa Commissioner's Court

The women were charged with being in the area for more than 72 hours without a permit and/or with failing to produce their identity documents

Cynthia Kotela, with a four-year-old baby, was fined R30 (or 30 days) on the first count and R10 (or 10 days) on the second count

Lillian Mbenya, with a three-month-old baby, was fined R30 (or 30 days) on the first count

Mbenya told the court she came to Cape Town to give birth to her child which was delivered by caesarean section. She gave birth to the baby in February and attended hospital till March 17

When asked why did not give birth in Transkei, she said she did not know that she could because her first child was born in Cape Town

Sentences imposed on five other women charged with being in the Peninsula for more than 72 hours and/or failing to produce their identity documents were suspended on condition that they leave the area by Sunday. They were fined R60 (or 60 days) on the first count and cautioned and discharged on the second count

They were Vivian Makeyi,

with a one-year-old baby, Alphina Ralarala, with a 16-month-old baby, Nocwaka Peter, with a young baby, Daphne Ndlelem, with a young baby, and Buyiswa Ngundle, with a nine-month old baby

Nongenile Nyembezi received the same sentence on the first count

All the mothers told the court that they came to Cape Town for medical reasons

The case against Anna Nkosi, with a baby, was postponed till today pending further investigation into whether she could stay at the hostels of Duens Bakery in Guguletu — where she stays at the moment — till her sick child was cured

She told the court she brought her child to Cape Town for medical treatment. She said there were doctors in Transkei, but she did not have the money for doctors' fees

When asked when she intended going back to Transkei, she said she was going to when her child was feeling better

She did not apply for bail

The magistrate was Mr W Fourie  
Mr J J Fourie prosecuted



1415101 - 5000 61000  
204  
33  
206

# Builders angry over raids on workers

THE BLACK workers arrested in mass raids on East Rand Townships last week were all unregistered single labourers from the homelands, the chairman of the East Rand Administration Board, Mr Schalk van der Merwe, said on Tuesday night

Last week it was reported that building contractors on the East Rand, hard put to find labour for their contracts, were being raided daily and hundreds of their unregistered workers pulled off the building sites by armed Erab police

Mr van der Merwe said employers had been given an opportunity last year to register all illegal employees

Yesterday several builders on the East Rand criticised this statement "The point is

we did legalise our labour last year but with the upswing in the building industry we need more labour now," said one

Two builders claimed Erab had intensified raids this week — in spite of a sympathetic hearing from the Boksburg Member of Parliament, Mr Sakkie Blanche, who has been drawn into the controversy, said one builder, Mr D E Parkin

An employer had to produce proof he had arranged accommodation for a worker before he could register him, Mr van der Merwe added.

The problem now was a tremendous flow of complaints from residents about blacks sleeping in backyards without homeowner's permission

# 'Influx control causes crime'

*25* *Jobs* *2/11* *Swimming* *15/1/15*

MAMELODI residents blame influx control laws for the crime in the area, a survey by a local social worker has revealed.

**By Monk Nkomo**

They told this to Niero community worker, Mrs R K Mabusela, who was conducting a survey on crime in Mamelodi.

They told her that because of restricted movements, people could not take up jobs of their choice and this resulted in unemployment, which was rife. It was felt that should job restrictions be abolished, the crime rate in the township would be greatly reduced.

The report further states that unemployment led to crime.

In general, the black man is a frustrated person. In order to escape his frustrations and responsibilities he resorts to liquor. Almost every eighth house in a street in a selected area is selling liquor besides the bottlestore and the bar lounge available in this area.

In her report Mrs Mabusela stated that a number of influential personalities had con-

lined that shebeens were alternative places of recreation since our townships have a limited number of recreational facilities.

Lack of privacy in the four-roomed houses was listed as another contributory factor to crime. Neither the parents nor the children can enjoy privacy and this factor encourages delinquency.

Since the children lack both privacy in the home as well as properly supervised places of recreation, they hang around the street corners and are exposed to undesirable characters in the area, the report said.

Lack of parental guidance was also reported as a cause for crime. An example of ineffective parenting is truancy which results in dropping out of school. Dropping out of school is a good breeding ground for crime.

Illegitimate children, the report said, were neither neglected or abused and became problematic and end up offenders.

The religious institutions have brought to our notice the fact that due to the lack of Christian upbringing and ignorance by the parents, children can no longer be controlled. Most uncontrollable children end up being criminals.

The Church is thus expected to exert more pressure on Christian upbringing to help us meet this need, she said.

According to Niero's report, Mamelodi township is mainly composed of people who were farm labourers on the Vlakfontein farm and of the old residents from River Side, Eerstes, Lady Selbourne and the Kilnerton Methodist Church Mission.

Because most of the areas were declared slums, the residents were resettled in Mamelodi with the aim of improving their way of life. Most of the offenders came from the Kilnerton Mission.



# Jail rather than Transkei — squatters

THE new group of squatters at Crossroads say they would rather go to jail than return to Transkei where, they say, there is no work and people have died of starvation.

The squatters, 168 men, women and children, were evicted from the Langa main barracks in March.

They had been temporarily sheltered in Langa church buildings.

This is their third move in less than a year.

## PROMISES

Most originally squatted at Hout Bay, Killarney and Table View. They were told to go to the main barracks in Langa last year by the Administration Board of the Western Cape.

Many claim the board promised them jobs and accommodation if they voluntarily broke down their shacks.

In March they were evicted from the barracks

MORE than 60 people have slept in this wood and cardboard dwelling since Saturday. It was erected by the 168 people who left the Langa church buildings and moved to Crossroads in a desperate bid to remain in the Cape. There are 30 beds in this structure.

to allow two private firms to renovate the buildings for their employees

A spokesman for the group said at Crossroads today, 'Anything here is

better than returning to Transkei

'Our children can get hospital treatment, and there is work here'

## OPTIMISM

There was optimism that the Administration Board of the Western Cape would allow them to remain at Crossroads

A board inspector arrived at 9 am and spoke to the chairman of the Crossroads Committee, Mr Johnson Ngxobongwana

Mi Ngxobongwana said he did not expect the board to raid the squatters

'My only worry is to get accommodation for these people. The board has zinc sheeting at the Nyanga office which we could use to build dwellings

'We can't keep them here in a cold place.

'The board should help these people, some of whom have the right to be here,' he said.

The inspector and his assistant left the camp about 9.30 am.

A cardboard and wood structure erected to house the new residents is only partially covered with plastic sheeting. It contains 30 beds

The group's spokesman said some people—especially children—had chest and abdominal complaints

This was largely because of the cold, damp weather, he said.

There was also a shortage of blankets, as many were stolen when the group left the Nyanga barracks

One of the new residents, Mrs Nofolile Ganta—who has been in the Peninsula since 1977—spent the last two nights with her three children in a small tent bolstered by wooden planks

'One of my children died in Transkei. We will not

(Continued on Page 3, col 1)

April 18/5/81  
Squatters  
206

(Continued from page 1)

be going back as we need help here,' she said.

Her husband, Bozile, was injured during a raid at the Langa barracks, and has not yet been able to return to work on a construction site.

The Chief Commissioner of the Department of Co-operation and Development in the Western Cape, Mr Timo Bezuidenhout, held talks today with officials to discuss the matter

He said it was a difficult situation, as there was no room in Crossroads

'I will just have to sit down and discuss with my men to see what can be done,' he said.

He is expected to issue a statement later today.

# Call for action on Langa eviction victims

19/5/61  
206  
~~207~~

THE South African Institute of Race Relations has urged the Minister of Co-operation and Development, Dr Piet Koornhof, to see for himself the plight of more than 100 people who were evicted from the Langa main barracks in Cape Town in March.

The chairman of the institute, Mrs Daphne Wilson, said yesterday Dr Koornhof's pragmatic decision to build a new Crossroads had been his answer to a former squatter crisis.

Another such immediate step was required, she said. "The men of these families in this homeless plight have jobs and many have one employer and a long service record."

"The Government accept that they and their families are entitled to shelter that, after all, should be an indispensable corollary of any job."

She said these people should at least have the security of a site and ser-

vice scheme on land allocated for the purpose.

The refusal to accept that blacks were an integral part of the Western Cape economy and that they would inevitably increase in numbers as the regions develop was totally illogical, short sighted and inhuman, said Mrs Wilson.

"Where is the sincerity of the Manpower 2000 brochure that talks of the

rights of all South Africans, the right to work and the right to security, if these simple human rights are denied to people in the Western Cape?"

Mrs Wilson said it was morally wrong to cut people off from the economy that they and their families had helped to create, and expect them to disappear and starve in the so-called homelands.



# Influx control on skids, say the experts

the Government was serious about implementing workable influx control it should start a massive rural development programme

See Pages 14, 15 and 16

STAR 19/5/81  
206

By Charlene Beltramo

Influx control is on the skids despite moves to tighten it up. This is the consensus of a wide range of experts, who point to massive urban migration, squatting and the housing crisis to back their arguments.

Professor David Dewar, director of the Urban Problems Research Unit at the University of Cape Town, says there are currently about 4.5-million black, coloured and Asian squatters in South Africa.

His view is supported by other experts, who warn that the urban migratory flow will not be stemmed, despite influx control, because people will naturally gravitate towards areas where there is work and consequently a better chance of survival, "rather than starve or die in the homelands."

## SQUATTERS

By 2000 three quarters of blacks (28-million) will be living in and around urban centres — despite influx control and homeland policies which are trying to squeeze most of these people into 13 percent of South Africa's land area.

Soweto has a current official waiting list of 16 000 families for homes.

According to West Rand Administration Board figures, at least a quarter of Soweto's inhabitants are lodgers or squatters.

Experts warn that the Government will not be able to fund the R820-million a year needed to wipe out the country's housing backlog.

They have called for more thought to be given to freehold tenure for blacks or more widespread leasehold acceptable to blacks.

## RETHINK

Linked to this they have suggested the Government rethink its housing policy, which it appears to be doing, and make use of site and service schemes, core housing and the upgrading of squatter areas.

Professor Dewar said if

Algoa 19/5/81

340 206 307

# Langa squatters to be screened

THE 168 men, women and children who moved to Crossroads from Langa churches at the weekend would have to be screened individually before any decision is taken on their future.

This was said today by the Chief Commissioner of the Department of Co-operation and Development, Mr Timó Bezuidenhoud.

The families, originally squatters from Hout Bay, Table View and Killarney, had been housed by the churches after they were evicted from the Langa Main Barracks in March.

They moved to old Crossroads at the weekend in a bid to find permanent accommodation.

Mr Bezuidenhoud said that he was busy sorting out the position of each person.

'I presume some could qualify to stay in the

Cape under Section 10 and their chances should not be jeopardised,' he said.

The chief labour officer of the Administration Board, Western Cape, Mr G N Lawrence, yesterday visited the Crossroads site where the squatters have erected a shelter of cardboard and plastic sheeting to begin taking particulars.



# Influx control is now disintegrating

206

STAR 19/5/81

271

232

"Nothing typifies the disintegration of influx control more vividly than the massive flow of blacks to urban areas, the high number of shanty-dwellers and township lodgers"

Strong words. But they come from a prominent civil servant involved for more than a decade in the practical effects of and research into influx control.

Certainly the Government seems to have recognised the problem and harsh measures in terms of the Riekert report reflected an attempt to tighten up influx control.

But in many, often little-heralded ways, the Government seems to be relaxing influx control in certain areas and appears to be preparing the voting public for further relaxations.

It would seem that with the housing crisis, and severe manpower shortages, the Government has little option.

The committee investigating influx control under Dr Piet Koornhof, the Minister of Co-operation and Development, is an indication of this.

In October last year, the Deputy Minister of the Department of Co-operation and Development (COD), Dr George Morrison, told the Cape National Party congress that the Government was planning for a "controlled amount of squatting".

Dr Morrison said squatting was "basically a problem of poverty and not so much one of urbanisation". He said it was "part of the emancipation of the Third World" and was the "physical manifestation of a social and political process".

Then in January of this year, Mr JHT Mills, director-general of COD, said in an address to the chief commissioners of his department that "respectable" blacks should not be bound by the provisions of influx control, which applied to blacks who had no jobs or homes in the cities.

Mr Mills said it was wrong to apply these measures to every black person.

Referring to a memorandum he had sent to the Cabinet, Mr Mills said it would cost the State at least R820-million a year to wipe out the housing backlog, without even providing for population growth.

He said this was finan-

cially impossible and that a new approach was needed. Mr Mills said the new approach should be to provide enough ground for the backlog and for population increases, then to plan these sites and provide water and sanitation services.

He said these sites should provide for squatters as well as legitimate inhabitants building their own homes.

Highly placed sources have told The Star that the Government started moving toward ways of restructuring influx control as far back as 1975, when they began experimenting with the upgrading of squatter areas.

Much of this work is secret, with the Government having the problem of educating an increasingly polarised voting population.

What causes squatting? The answers are numerous.

Some urban planners say the problems began in 1976 with the discovery of gold on the Witwaters-

**In the next 10 years, an additional 21-million blacks will move to South Africa's urban areas. They will join the existing estimated 4.5-million squatters who cluster round the cities. In all, 75 percent of blacks (28-million) will be urbanised by the year 2000.**

rand. But at that time blacks had freehold rights and their dwellings, although modest, were of an adequate

The first major step toward making squatting a problem was initiated as far back as 1913.

In that year the Native Land Bill was passed. It stopped not only mixed farming (the share-crop system where blacks had the use of a portion of a white farmer's land and paid rent with a portion of their crop) but also drastically limited the right of Africans to own land.

The Government of that time promised land for any Africans evicted from land — but this never materialised.

Thousands of African families, particularly in the Free State, were driven off white farms and for months they wandered homeless and starved before being absorbed as

labourers on white farms or in towns.

The situation exists today where African farmers, the few that still farm in white South Africa, are being forced off their land and expected to squeeze into the 13 percent of land set aside for blacks.

This has made it impossible for thousands of rural blacks causing a consequent upsurge in starvation and infant mortality in these and homeland areas.

An example is that of Mr G Mhlangu. He and 63 families were forced to move from farms in Sybelsburg and Subfontein. "The white farmers said we were too close to them, so the Government moved us." For which privilege, each family had to pay R87,50.

They were moved to Kwaggafontein, a resettlement camp in the kwa-Ndebele homeland which has an estimated squatter population of 200 000, with an average of 20 additional families arriving each day.

Residents travel hundreds of kilometres each day to work — either in Groblersdal, Pretoria, Witbank or Middelburg. The Institute of Race Relations is helping 600 families starve and starvation under their "Operation Hunger" scheme.

Water is scarce. 100 test boreholes have yielded nothing from the dusty earth and each week a water tanker brings water to the settlement.

Some of the settlers were evicted from Winterveld — possibly the largest squatter town in the country with a population estimated to be approaching a million. Winterveld is part of Bophuthatswana. President Lucas Mangope wanted all non-Tswana residents who had lived in the area for less than five years to leave.

But evictions from "white" or even other homeland areas is not the main catalyst for movement to urban areas. It is unemployment and hunger.

In a recent interview, Mr Michael O'Dowd, chairman of the Free Market Foundation and an Anglo-American executive, pointed out "In the homelands if there is no income people starve to death, but in the cities even if people cannot find steady employment, there is the chance of a car to



# NO ROOM IN

"Are cities to be seen as places where the rich and powerful gather around them a thousand slaves to do their bidding, or a million landless poor to serve their needs, or a voiceless, miserable, urban proletariat to follow their orders?"

So wrote Margaret Mead, world-renowned anthropologist.

Her words still ring true for South Africa and other Third World countries faced with the problems of massive urban migrations.

The articles give the views of prominent urban specialists.

CHARLENE BELTRAMO reports...

"Resettling — taking people away from places of work opportunities — is a form of urban terrorism"

"It is a national sin we will suffer for in the end," believes Mr Paul Andrews, research officer at the Urban Problems Research Unit at the University of Cape Town

Mr Andrews is also a lecturer in architecture and a divisional councillor on the Cape Divisional Council.

In the mid-1970s he was involved in the planning and implementation of a R40-million World Bank scheme in Lusaka, where 200 000 squatter homes were upgraded

Squatters form 30 percent of the total Lusaka population

"We created a physical and organisational structure. We introduced local institutions, like a ward representative for 20 families," said Mr Andrews.

"This involved the community in its own upgrading. Instead of connecting

service mains to each house, we supplied them to each community group. They would then save up and for example, plug a water pipe to a main

"The main would be shared. As they saved up more money each house in turn would be supplied with these services."

Mr Andrews said the system did and is working well in Lusaka, and other areas which followed the example.

He believes influx control, as used in this country, makes "unnatural dormitory suburbs out of areas and pushes the problem into homeland places. We should absorb and integrate squatters into cities, plug them into city services and networks rather than push them over borders.

"While there is a tight control on population

movements, it forces people to go and die in the homelands. We should allow for ordinary urbanisation

"South Africa is 50 percent urbanised at the moment — developed countries are generally 90 percent urbanised

"The solution is to accept that people will gravitate to where jobs are generated, and to provide for them

"People should be allowed to set up decision-making bodies. The community should liaise with the State." Mr Andrews suggests a system along the lines of that which he set up in Lusaka

He said many community councils in South Africa were not recognised by the people and "are stooges, although

some work reasonably well"

He pointed out that problems arose when these councils had to enforce measures such as the Group Areas Act, "making them totally undesirable to blacks and subject to the bigotry of apartheid"

Professor Gavin Marsdorp, deputy director of the Economic Research Unit at the University of Natal, points out that squatters are not only people living in shanty towns but are also those lodging with other families, whether in a spare room, garage or Wendy house

He anticipates the "main force of rural/urban migration, in the case of Africans, to be from homeland areas — where

● To opposite page

ously agree.



# Call on govt to house 200 homeless

CT 19/5/81  
206  
~~127~~ 340  
Staff Reporter

AN immediate step should be taken by the government to organize accommodation for almost 200 people who spent Saturday night in the open after leaving the Langa churches which had been sheltering them, the regional chairman of the South African Institute of Race Relations, Mrs Daphne Wilson, said yesterday.

In a statement, she said "Dr Koornhof must come and see for himself the plight of these people. His pragmatic decision to build a new Crossroads was his answer to a former squatter crisis, another such immediate step is urgently required."

"The men of these families in this homeless plight have jobs and many of them have one-employer long-service records. The government must accept that they and their families are entitled to shelter that, after all, should be the indispensable corollary of any job."

"As a preliminary measure, until more houses are built, these people who have been pushed around for so long should at least now have the security of a site and service scheme on land allo-

cated for the purpose

"Residential areas are constantly expanding for whites and coloured people, one only has to look back over the past few decades and see the huge increase in urban sprawl over Bellville, Pinelands, Plumstead and countless other Peninsula areas. Why then should not similar residential increases be permitted for blacks who contribute to the development of this region but who have no accommodation?"

"This refusal to accept that Africans are an integral part of the Western Cape economy and that they must inevitably increase in numbers as expansion takes place, is illogical, short-sighted and inhuman."

"Where is the sincerity of the Manpower 2000 brochure that talks of the rights of all South Africans, the right to work and the right to security, if these simple, human, workaday rights are denied to people in the Western Cape?"

"It is morally wrong to cut people off from the economy that they and their families have helped to create, and to expect them to disappear and starve in so-called 'homelands'."



# Tears flow at Langa pass court

THE WEEPING of mothers and children at times drowned the proceedings at the Langa Commissioner's Court yesterday, where 70 pass law cases were heard.

The first 42 cases were heard in the morning at the rate of one every two and a half minutes.

The cases of 28 mothers, including a 17-year-old woman with a baby in her arms, and a 15-year-old mother, were heard after a recess at lunch.

Mothers with babies on their backs and some with small children clinging to their skirts, stood before the magistrate, Mr L van Wyk. The cries of babies could be heard from the cells adjoining the court.

As a woman took the stand, the baby in her arms sobbed noisily. The embarrassed mother tried to comfort the child, but its cries grew louder. Tears began to run down the mother's cheeks and she left the courtroom weeping.

Each time the door to the court was opened the cries from the cells echoed through the room and the proceedings became inaudible.

One mother entered the court with a baby on her back and four toddlers in tow. She sobbed quietly in the dock and tears rolled down the cheeks of the children as they munched dry slices of bread.

After the court adjourned, the screams of a woman could still be heard from the cells. She had been unable to pay the R70 fine and had been sentenced to 70 days in prison with her baby.

On the recommendation of the Aid Centre at the court, the charges against 16 of the 70 accused were withdrawn and others were cautioned and discharged. The court imposed fines totalling R1 960 on those found guilty.

Most of the accused pleaded guilty to both charges of being in the Cape illegally for more than 72 hours and failing to produce identity documents. The

majority said they had nothing to say in mitigation of sentence.

Sixteen people were fined R60 (or 60 days) on the first charge and R10 (or 10 days) on the second count. On the first charge, a further 10 people were fined R60 (or 60 days), two were fined R20 (or 20 days), one was fined R50 (or 50 days) and three were fined R30 (or 30 days).

The sentences of R60 (or 60 days) on the first charge for six people were conditionally suspended. Twelve people were cautioned and discharged on both counts. Four cases were remanded.

# 'We are starving in the homelands'

Argus 20/5/81

206

A WOMAN from the Transkei told the Langa Commissioner's Court yesterday that she had come to the Cape to conceive a baby.

Mrs Beauty Siyoyo, 20, pleaded guilty to being in the Cape illegally for more than 72 hours and to failing to produce identity documents.

The magistrate, Mr L van Wyk, asked her how long it would take to conceive the baby. She replied about a year.

## Starving

You can conceive a hundred times in that time, Mr van Wyk said and fined her R60 (or 60 days) on the first charge and R10 (or 10 days) on the second charge.

Mrs Eugenia Guzula, 25, told the court she had

come to the Cape to look for work.

She said she had been looking for work since January but had not found anything.

Mr van Wyk, asked her why she did not go home.

We are starving in the homelands, she replied.

Mr van Wyk said 'We are starving in Cape Town. You can rather starve at home,' and fined her R60 (or 60 days) for being in the Cape illegally for more than 72 hours and R10 (or 10 days) for not producing identity documents.

The Aid Centre at the Langa Commissioner's Court recommended that a Transkei woman charged with being in the Cape illegally for more than 72 hours be

her R60 (or 60 days) for being in the Cape illegally for more than 72 hours and R10 (or 10 days) for not producing identity documents.

## Husband

Mrs Nowathuzen Goniwe, 40, told the court that she had come to Cape Town to see her husband who lived in Zone 17 single quarters for men.

She said she had been here for three years. Mr van Wyk asked where she found accommodation in single quarters. 'Do you sleep on top of each other?', he asked. She did not reply.

She was fined R60 (or 60 days) for being in the Cape illegally for more than 72 hours and cautioned and discharged for not producing identity documents.

Story: Bruce Gordon  
Pictures: John Yeld

Mrs Nomonbe Makholiso, 23, appeared in the court with a baby on her back and four toddlers in tow. She said she had come to the Cape to see her sick brother.

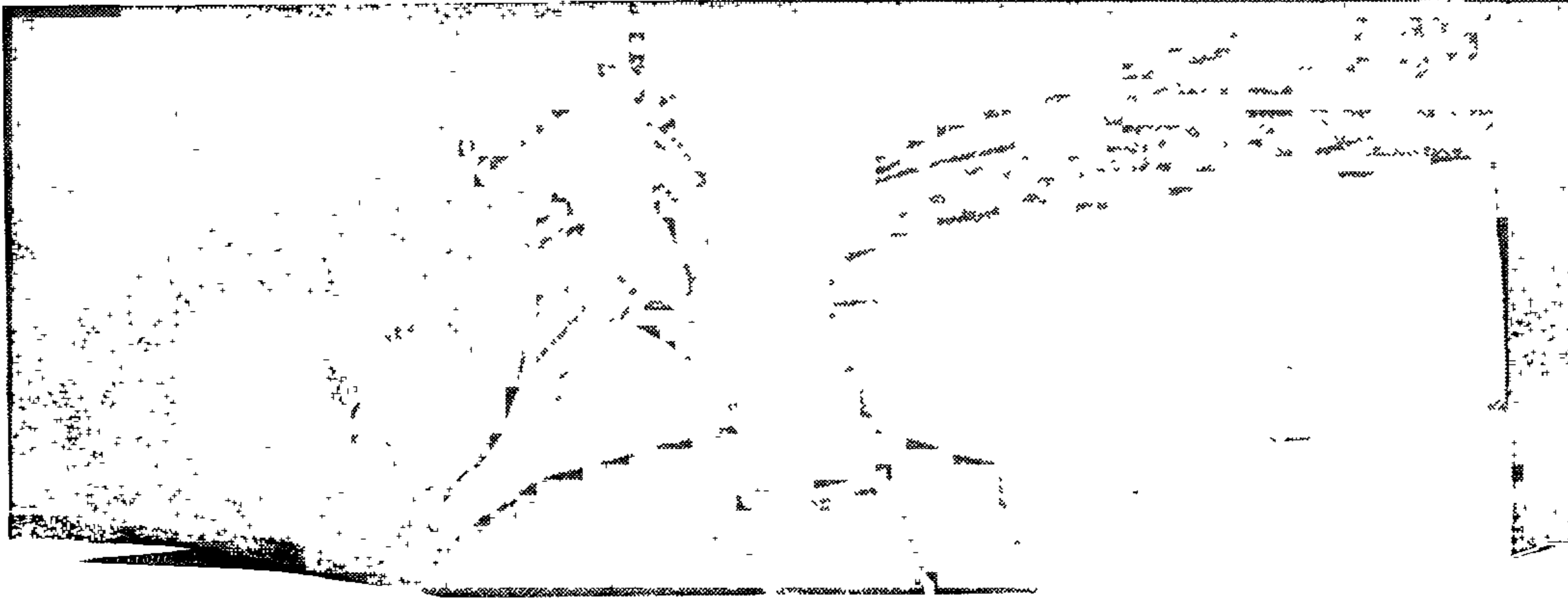
Mr van Wyk commented 'Next time she will come down with the whole family.'

She said the mother of two of the children with her had died.

Mr van Wyk fined her R60 (or 60 days) suspended on condition she left the area immediately. 'If not, she will go to jail and all the children to a place of safety,' he said. The court adjourned at about 3.30 pm. As we left the building a big van full of women arrived at the court.

The magistrate, who had presided in the first 46 cases, Mr W Fourie, assured us that the women had not been brought to the court to be charged but were being taken to the Aid Centre for identification.

the prosecutor was Mr J Fourie, the Magistrate Mr J Fourie.



One of one of the children who appeared with their mothers in the Langa Commissioner's Court yesterday

MRS NOMONBE MAKHOLISO leaves the Langa Commissioner's Court with four children in tow after being fined R60 (or 60 days) suspended on condition that she leaves the area immediately



AREGUS 20/5/51 (206)

obtain a medical certificate

### Boils

Mrs Princess Mgoazi, 60, told Mr van Wyk, that she had come to the Cape to get medical treatment for boils all over her body.

They have hospitals, doctors, everything in the Transkei, why must you come here? Mr van Wyk asked.

They failed to cure me, she replied.

Mrs Mgoazi was fined R60 (or 60 days) suspended for a year on condition that she obtain a medical certificate within seven days.

### School fees

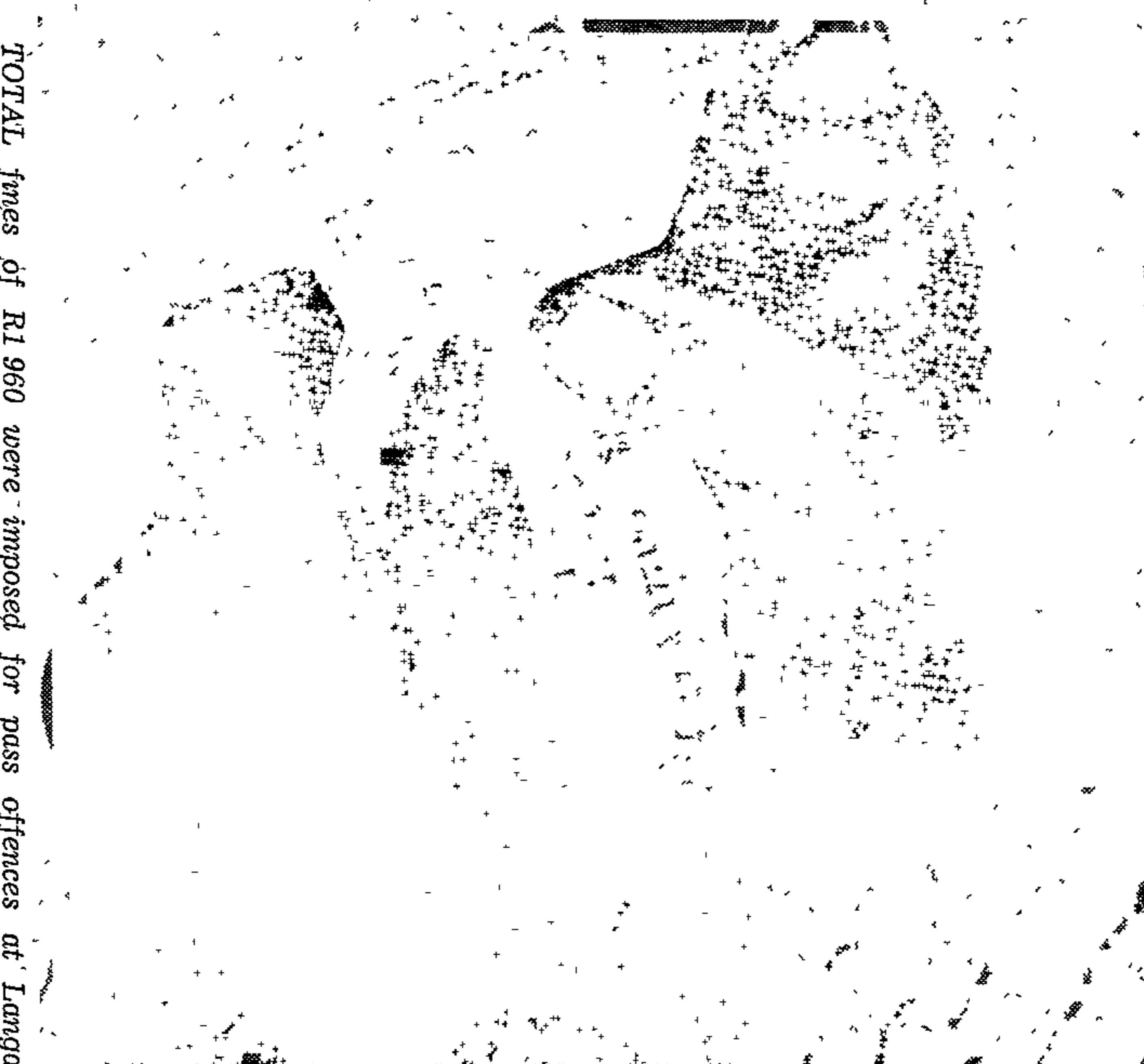
Mrs Nombulelo Vabaza, 19, told the court that she had come to Cape Town in December last year to fetch school fees from her uncle

Mr van Wyk asked her why it took her six months to collect the fees. She replied that she had become ill after arriving and was still waiting for the money.

You will wait until Doomsday, man. Next you will get married and settle in Cape Town and look for a house, Mr van Wyk said, and fined



A DEJECTED mother leaves the Langa Commissioner's Court with her baby after paying her fine.



TOTAL fines of R1 960 were imposed for pass offences at Langa yesterday. Here, a woman draws R10 notes from her purse to pay a fine for being in the Cape illegally for more than 72 hours.

# Lift curb on black workers — report

August  
21/5/81

206

206

ALMOST all restrictions on black migrant workers in the Western Cape should be lifted, and facilities provided for prolonged visits by wives, the influential Stellenbosch Bureau for Economic Research has advised the Government.

The suggestion is made in an interim report on the economic potential of the Western Cape, commissioned by the Department of Industries, Commerce and Consumer Affairs.

The report suggests that if the present restrictions on migrant workers are only to prevent them from acquiring citizenship rights, all that is necessary is to ensure that they return to the homelands for an annual three or four weeks holiday.

## UNNECESSARY

It suggests that keeping the Western Cape a coloured preference area to protect coloured workers from competition is no longer necessary.

Figures based on manpower surveys by the Department of Labour show that coloured workers are now mostly employed in skilled and semi-skilled jobs.

Black migrant workers will be filling vacancies at the lower skill levels avoided by the brown labour force, the report says.

## ABANDONED

The report suggests that, in the interests of the South African economy as a whole, the differences in treatment between migrant workers and a settled labour force should be abandoned.

There is indeed no reason at all why, from the purely economic point of view, there should be any difference between the two, the report states.

The report says improved facilities for prolonged visits by wives could be provided.

'A migrant should thus be enabled to work, during a working life-time, for the same firm if so preferred, or in the same type of occupation.'

This, the report points out, would enable the migrant worker to acquire meaningful experience and skill and obtain promotion and higher wages.

'He should be a settled worker in all but legal definition,' the report suggests.

'Insofar as the objective of the system is to inhibit the acquisition of citizenship — in the sense of the franchise or legally defined permanent residence — on the part of the workers involved, a sufficient condition that could be imposed is that during an annual holiday of three or four weeks, enjoyed by migrant and settled workers alike, the former visit their place of origin.'



# The World of the 'Illegals'

## Own Correspondent

**CAPE TOWN** — A woman from Transkei yesterday told the Langa Commissioner's Court that she had come to the Cape to conceive a baby.

Mrs Beauty Sisoyoyo (20) pleaded guilty to being in the Cape illegally for more than 72 hours and failing to produce identity documents.

The magistrate, Mr L van Wyk, asked her how long it would take to conceive the baby. She replied about a year.

"You can conceive a hundred times in that time," Mr van Wyk said. She was fined R60 (or 60 days) on the first charge and R10 (or 10 days) on the second charge.

The aid centre at the Langa court recommended that a Transkei woman charged with being in the Cape illegally for more than 72 hours be given the opportunity to obtain a medical certificate.

Mrs Princess Mgoaozi (60) told Mr van Wyk that she had come to the Cape for "boils all over her body".

"They have hospitals, doctors, everything" in Transkei, why must you come here?" Mr van Wyk asked.

"They failed to cure me," she replied.

Mrs Mgoaozi was fined R60 (or 60 days) suspended on condition that she obtains a medical certificate within seven days.

Mrs Nombulelo Vabaza (19) told the court that she had come to Cape Town in December last year to fetch school fees from her uncle.

Mr van Wyk asked her why it took her six months to collect the fees. She replied that she had become ill since she arrived and was still waiting for the money.

"You will wait until doomsday, man. Next you will get married and settle in Cape Town and look for a house," Mr van Wyk said and fined her R60 (or 60 days) for being in the Cape illegally for more than 72 hours and R10 (or 10 days) for not producing identity documents.

Mrs Nowathuzen Goniwe (40), told the court that she had come to Cape Town to see her husband who lived in Zone 17 single quarters for men.

She said she had been there for three years.

Mr van Wyk asked where she found accommodation in single quarters.

"Do you sleep on top of each other?" he asked.

She did not reply and was fined R60 (or 60 days) for being in the Cape illegally for more than 72 hours and cautioned and discharged for not producing identity documents.

Mrs Nomombe Makholiso (23) appeared in the

court with a baby on her back and four toddlers in tow.

She said she had come to the Cape to see her sick brother.

Mr van Wyk commented "Next time she will come down with the whole family".

She said the mother of two of the children with her had died. Mr van Wyk fined her R60 (or 60 days) on condition she left the area immediately.

"If not, she will go to jail and all the children to a place of safety," he said.

## STARVING

Mrs Eugenia Guzula (25) told the court she had come to the Cape to look for work.

She said she had been looking for work since January but had not found anything.

Mr van Wyk, asked her why she did not go home. "We are starving in the homelands," she replied.

Mr van Wyk said "We are starving in Cape Town. You can rather starve at home," and fined her R60 (or 60 days) for being in the Cape illegally for more than 72 hours and R10 (or 10 days) for not producing identity documents.

The court adjourned at about 3 pm.

# Accused RDM 22/5/81 allowed (266) to see doctor

Own Correspondent

CAPE TOWN — The Langa Commissioner's Court yesterday ordered that an accused be taken to a doctor to determine the extent to which force had been used against him by administration board inspectors who had arrested him.

Mr Colonel Gabeza, who is charged with hindering a board inspector in the course of his duty, told the court he had been threatened with a gun and assaulted by the inspectors who arrested him. He asked to see a doctor.

Mr L. van Wyk ruled that Mr Gabexa be taken to the District Surgeon.

The inspector who had laid the charge against Mr Gabexa, Mr J du Toit, told the court that on May 19 he had arrested a woman whom he believed did not have a pass.

As he took her to the van Mr Gabeza took a child from a woman standing nearby and tried to force the child on to the arrested woman, he said.

Mr Du Toit said Mr Gabeza had tried to choke him. He then called on another inspector to help arrest Mr Gabeza, who struggled and fought. He had been compelled to use force, he said.

The other inspector, Mr John Warrington, also gave evidence.

Mr Gabeza denied that he had resisted arrest.

He said he had been carrying the child when he saw the women being arrested. He himself was arrested by the two inspectors a short while after he had asked Mr Du Toit if he could give her the child.

"At the charge office, they both kicked and hit me. Mr Warrington choked me and Mr Du Toit kicked me in the ribs," he said.

The case continues today.



# COMMENT

## What price, pass law justice?

*206*  
*22/5/78*

still be heard from the cells. She had been unable to pay the R70 fine and had been sentenced to 70 days in prison with her baby."

Again, what price, justice? It is situations like these that breed hatred. Surely, we must realise that these people are not criminals? Surely, we must know that acts like these will create indelible marks?

But of course, this is South Africa. This is the country that tells the rest of the world to give it time to sort out its own domestic problems. That the blacks in this country are all content, thank you, and that can be seen from the smiles on their faces as they make their way into the city to toil for another day.

Do we know what those believe? Do we know what goes on in their minds? We will not attempt to answer that billion dollar question.

IT happens every day of our lives. Women, men, children. All suffering because of some or other pass law. And the cases brought before a Langa, Cape Town, Commissioner's Court this week bore testimony to the whole tragedy.

In one day, this week, a total of 70 cases were heard - 42 of them in the morning at the rate of one case every two and a half minutes. And then, in the afternoon, the cases of 28 mothers - including a 17-year-old mum with a baby in her arms were heard.

The report filed stated: Mothers with babies on their backs and some with small children clinging to their skirts stood before the magistrate, Mr L van Wyk. The cries of babies could be heard from the cells adjoining the court.

The tragedy of this is that it is not an uncommon situation. Everywhere, we find this happening. Whether it be in Pretoria, Johannesburg, or Cape Town. It is there, clear evidence of the bitterness that the pass laws must create in people whose only aim in life is to keep themselves respectably engaged in the exercise of living.

"As a woman took the stand, the baby in her arms sobbed noisily. The embarrassed mother tried to comfort the child, but its cries grew louder. Tears began to run down the mother's cheeks and she left the courtroom weeping." So continued the report on the Langa pass trials.

Heaven knows, how can we possibly expect this mother not to be bitter? How can we expect her to believe that there is change in this country?

"After the court adjourned, the screams of a woman could

Argve 23/5/81 206

# Police watch exodus to Kei

By BRUCE GORDON

POLICE reinforcements were called to the Langa Commissioners' Court yesterday during a day in which 55 people were repatriated to Transkei and Ciskei.

A rarely used section of the law was put into operation to streamline the bulk removal of former residents of the Langa Main Barracks.

Babies cried and played in the courtroom as their mothers were convicted of being in the Peninsula for more than 72 hours without permission.

Two courts sat until 8 pm to hear the 63 pass law cases.

Most of the accused pleaded not guilty and appeared angry when they took the stand.

The two presiding officers at the court, Mr L van Wyk and Mr W Fourie, constantly had to remind accused to be calm and follow court procedure.

Police reinforcements arrived when convicted people screamed at the back of the court as they were loaded into a railway bus to be taken back to the homelands.

A community worker, Miss Celeste Santos, stood defiantly in front of the idling bus before a policeman whisked her away.

She was held for about half-an-hour. After being released she said: 'Sometimes a person has a moral responsibility.'

The drama began early in the morning for the accused, mostly women.

Their husbands and boyfriends told me they were approached by an official of the Western Cape Administration Board at the temporary shelter where they were staying in

Crossroads on Thursday evening and told they would be taken to the Langa Administration Board offices the next day where their reference books would be put in order.

Early yesterday morning they were taken to the board's offices. Those without permits were separated from others and brought before the court.

Some women refused to plead and one said she did not know whether she was guilty.

After being convicted many accused stormed from the court.

The 55 people were repatriated by the senior commissioner of the court, Mr L J van Heerden after being cautioned and discharged for being in the Cape illegally.

The repatriation orders were executed in terms of section 14 of Act 25/1945 which empowers a commissioner to investigate whether a person who is found guilty of being in an

area should be sent back to their place of origin.

A German magazine correspondent who attended the proceedings in the morning said he was sickened and disgusted by what he saw and heard.

'This shows the other side of South Africa which tourists do not see. One realises what is really going on in this country. The terrifying thing is that it is all legal,' he said.

Those convicted yesterday have a long history of being shunted from place to place.

They were squatters from Hout Bay, Killarney and Table View.

Many claim they were promised jobs and accommodation if they voluntarily moved to Langa.

They were later evicted and found shelter in church buildings.

About two weeks ago they moved to Crossroads where they erected a shelter of cardboard and plastic sheeting.



1.23/5/81  
Hindrance  
court case  
postponed

**Staff Reporter**

A MAN charged with hindering an Administration Board inspector in his course of duty was released yesterday on his own recognisance.

The case against Mr Colonel Gabexa heard in the Langa Commissioners Court was postponed till Monday.

Mr Gabexa claimed he had been assaulted and threatened with a gun.

The inspector who laid the charge, Mr J du Toit said in his evidence that he had been compelled to use force.

Mr Gabexa has pleaded not guilty to the charge.

The commissioner Mr L van Wyk, ruled on Thursday that Mr Gabexa be taken to a district surgeon to ascertain the extent to which force had been used against him.

When Mr Gabexa appeared yesterday he was holding a cloth over his eye. He had been seen by a doctor.

No evidence was led and he was released after his attorney Mr Enver Daniels gave the assurance that he would stand trial.

Mr J G Fourie appeared for the State.

We told him we considered such remarks to be most destructive to race relations, which are already very sensitive.

Mrs Daphne Wilson, regional chairman of the SA Institute of Race Relations, said it was necessary for people to be made aware of what is going on daily at the Langa Commissioner's Court.

'Repugnance' would be the reaction of most normal people, she said, that people for whom mere survival is a very real problem should be treated so flippantly and complacently.

### EXPOSED

Mrs Wilson said that we who have been monitoring the proceedings in the courts, are well aware that for years officials have been making hurtful remarks at the expense of people who are in their clutches, and it is a good thing that this type of attitude has now been exposed.

But more important than investigating the way in which cases are processed in the Langa court, is the necessity to face the hard fact that laws which are by their very nature objectionable, cannot be enforced pleasantly, and the daily routine of enforcing such appalling laws could well blunt and harden sensitivities.

Athlone Advice Office director Mrs Robb added: 'As we've pointed out many times, until the laws preventing blacks from moving freely in the land of their birth are repealed, similar degrading scenes will be witnessed.'



# INFLUX LAWS

# 'BLUNT

# SENSITIVITIES'

Argus 23/5/81

Magistrate rapped for remarks

206 ~~270~~

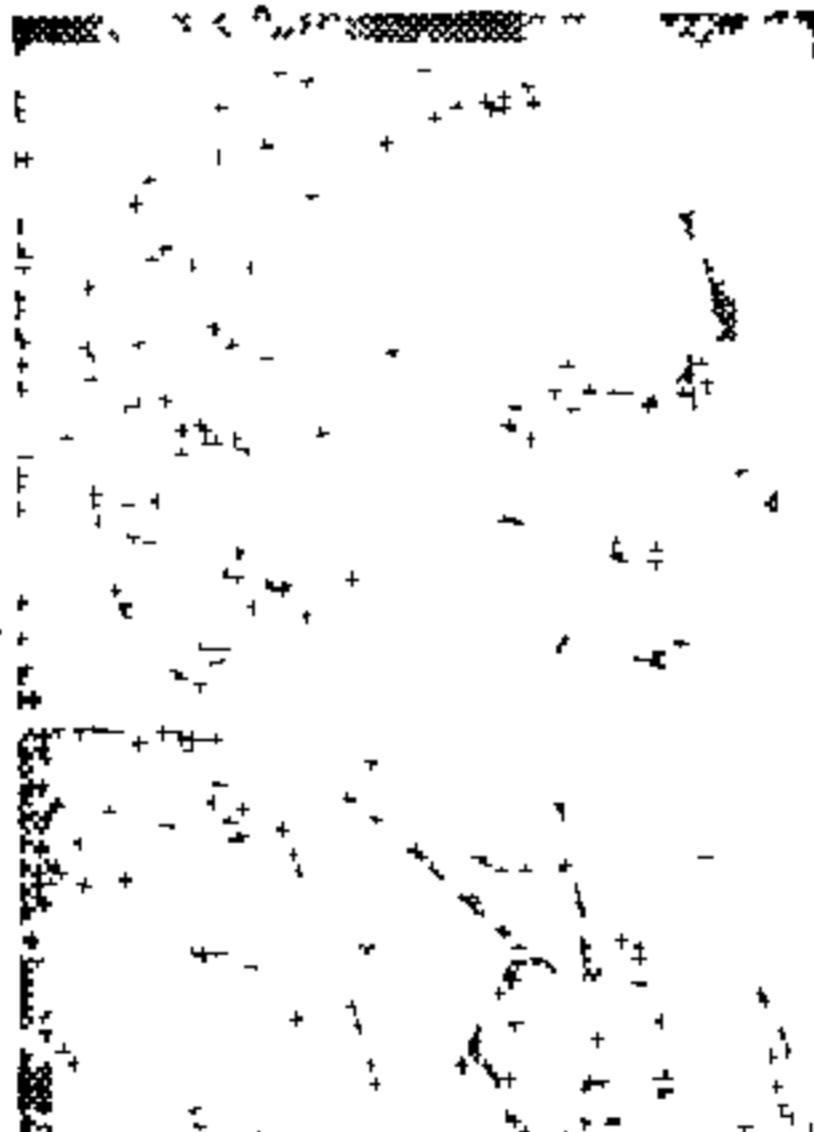
**ORGANISATIONS fostering race relations put a magistrate in the dock this week for 'offensive, hurtful and destructive' remarks to some black women prosecuted in the Cape under influx control laws.**

But at the same time they blamed 'objectionable' statutes for possibly desensitising jurists in administering laws which prevent breadwinners from job-hunting freely and keep families separated

The offending remarks were reported by The Argus this week on a day when several black women appeared before magistrate Mr L van Wyk at the Langa Commissioner's Court, on charges of being in the Cape illegally.

From the Bench he said

● 'You can conceive a hundred times in that time,' to a woman who said she had come to Cape



**RENE DE VILLIERS — Magistrate's remarks 'offensive, callous and inexcusable'.**

Town to conceive a baby, and that it would take about a year.

● 'We are starving in Cape Town, you can rather starve at home,' to a woman who said she had come to Cape Town be-

cause 'we are starving in the homelands.'

● 'Do you sleep on top of each other?' to a woman who said she had found accommodation in 'single quarters'

Since publication of the comments, Mr van Wyk has declined to discuss the issue, but has not disputed the report

Weekend Argus has been unsuccessful in trying to obtain comment on the report from Dr Piet Koornhof, Minister of Co-Operation and Development, and Mr Timo Bezuidenhout, the department's Chief Commissioner in the Western Cape.

## CALLOUS

But there was critical response from several organisations working to improve race relations

'If the magistrate was correctly reported I find most of his remarks at once offensive, callous and inexcusable,' said Mr Rene de Villiers, national president of the South African Institute of Race Relations.

'How a judicial officer can say to a woman that she should rather "starve at home" than starve in Cape Town passes understanding. The same applies to the question he is reported to have asked another woman, who said she had found accommodation in single quarters

'It is not difficult to imagine the effects of such



**MRS Daphne Wilson — 'People should be made aware of what is going on.'**

insensitive remarks on people of colour. The consequences for race relations could be disastrous.'

Mr de Villiers said that 'unless they have already done so,' Dr Koornhof, and Justice Minister Mr Kobie Coetsee should order an inquiry and 'in the interests of the administration of justice and of human relations, take appropriate action without delay.'

## SIMILAR

Mrs R N Robb, director of the Athlone Advice Office, which frequently counsels women charged under influx control laws, said the organisation's observers had reported similar remarks by magistrates for many months, even years.

Some weeks ago she and other representatives of the advice office took their complaints to Mr Bezuidenhout.



By VAL CARTER JOHNSON

ANGRY husbands, some holding onto crying children, watched in despair as their wives were taken by bus back to homelands on Friday afternoon.

Armed policemen were called in case of trouble, but the crowd outside the Langa Commissioner's Court in Cape Town dispersed quietly.

Eighty women and children were separated from their families and repatriated to Transkei and the Ciskei after being cautioned and discharged in the court for being in the Cape without permits or identity documents for more than 72 hours.

Bemused husbands and fathers watched as a large South African Railways bus pulled out of Langa in the late afternoon.

Most of the women had been under arrest since early morning and their husbands claimed they had not been allowed to see or talk with them since their arrest.

Confusion reigned among crowds outside the court.

Eight men, patiently praying as they waited for their wives, claimed they had been "tricked" by the Peninsula Administration Board.

They said "Very early today some men who said they were officials from the Administration Board arrived at Crossroads and said that all the people who did not have permits to be in the area must go with them. They would give us per-

## Minister warns new squatters

Sunday Times Reporter

THIS "evil" could not be tolerated, the Minister of Co-operation and Development, Dr F. van der Stoep, has warned new squatters settling at Crossroads in the Cape.

He said they would be acted against.

Between 200 and 300 new squatters had moved into Crossroads. This was a clear breach of the agreement he had concluded with the Crossroads committee in April 1979, the Minister said.

Under that agreement, new squatters would not be allowed to move into the camp.

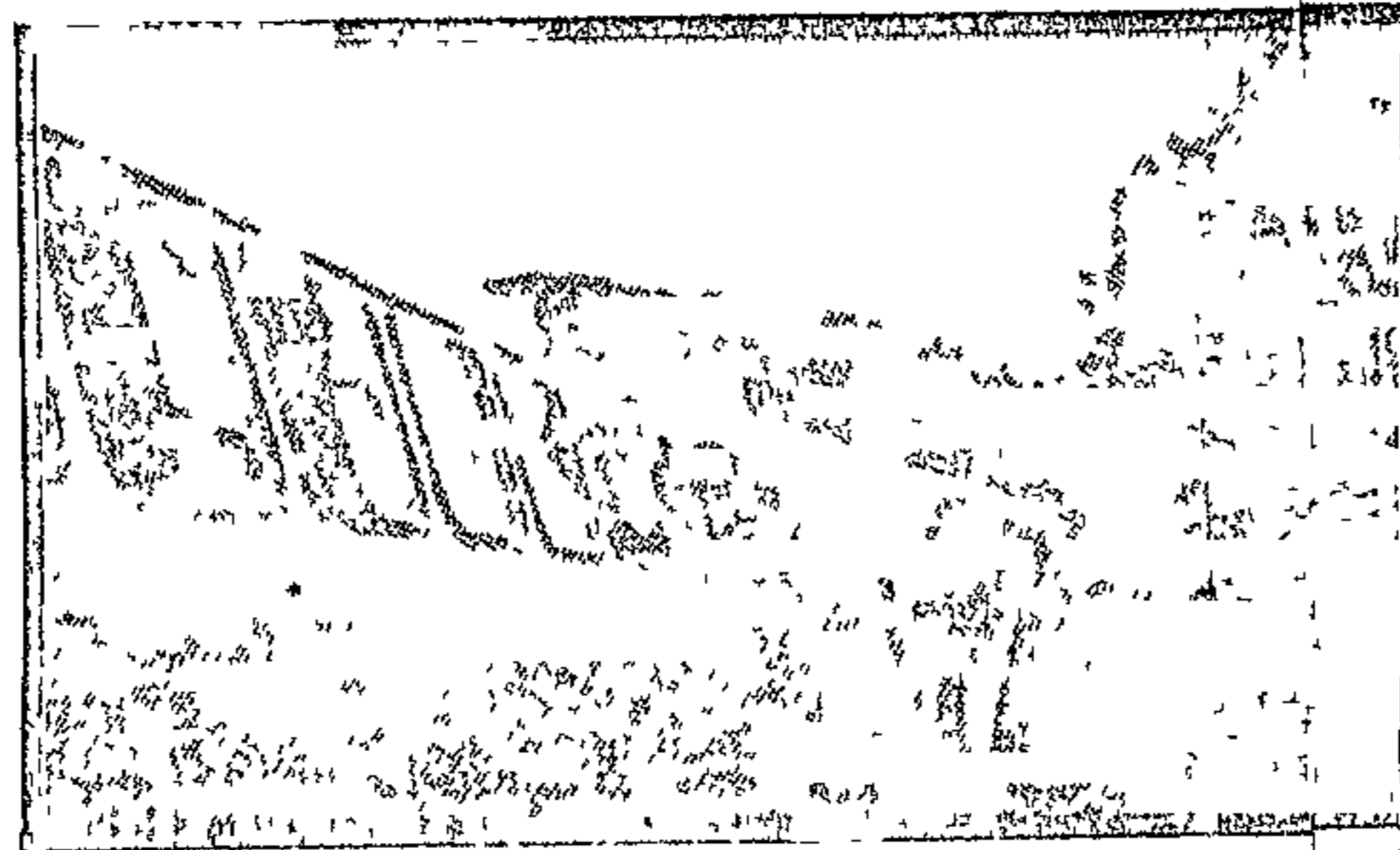
"I further promised them that I would see to it that houses were built for them. These houses are already being constructed and 1842 people have moved into the new extension."

The new batch of squatters included 87 men and 85 women. Dr Koornhof said he had given instructions that the women and children should return to the black states.

"For humanitarian reasons, I will accommodate the men by having them work in the Peninsula on a contract basis."

Of the men, 50 had already been given work

# Families cry as wives are sent to homelands



The men shout farewell to their wives as the bus pulls out

mits and try to find us jobs." The men estimated that 200 people were transported in about six Peninsula Administration Board trucks.

"When we got to the Administration Board, they separated those with permits from the people without permits.

"The man in charge said he would give us all permits and try to find us work.

"Then, suddenly, they took all the women without permits and arrested them.

"They told us that they were taking the women and children in buses to the Kei River."

## Screams

The distraught husbands, some of them clutching the hands of young children, said they had asked permission to speak with their women but had been refused.

At one stage shouts and screams were heard from the enclosure behind the court. As the cries continued, about three or four police vans and several armed policemen arrived but left after a few minutes.

They returned when the bus carrying women, a few children and a couple of men pulled out of the court area.

Men and children wept openly as they tried to reach up to the high bus window to say their goodbyes.

A community worker, Mrs Celeste Roberts, was arrested by police when she stood in front of the bus, but she was later released.

Little "Baby" Anta could not be comforted as the bus holding his mother drove away. He wept as he clutched his bewil-

dered father's hand and called for "Mama".

His brother, only slightly older, also wept and clung to his father.

But Mr Mandela Anta, 60, a well-dressed man, was as bewildered as his children were.

He said his wife Nothozamile, to whom he has been married for more than 20 years, had been taken away — although she was heavily pregnant.

Mr Anta said he and his wife had been living in the Cape since 1950 and he had worked there illegally since then.

Another man, Mr Alan Mankane, said that his wife was arrested even though she was in Cape Town because their child was being treated at Groote Schuur.

An official of the administration board, Mr. G. Lawrence, declined to comment on the men's allegations.

Mr Mandela Anta looks bewildered and his son cries for "Mama" as the bus drives off to the Kei River with pregnant Mrs Anta. Pictures TERRY SHEAN.



# 'We're unhappy, but not frightened'

Staff Reporter

"WE are unhappy about the situation but we are not frightened. They can arrest us but we will stay here till we get our rights."

Mthise Ndotwana clutched her two-year-old daughter as she spoke for seven women in Crossroads who were not deported to the Transkei on Friday.

Some of the women had been allowed to stay because their children were under the care of a hospital while others had not been arrested on Friday.

The women gathered when the Cape Times visited Crossroads yesterday and said they were not prepared to go to the Transkei.

"I first came here in 1978," said Mrs Ndotwana. "I joined my husband who was working in Hout Bay. We were married in 1958 but I only saw him once a year."

CT 25/5/81 (206) 340 124  
**Deportations:**

## Two children 'left behind'

ONE of the 55 women deported to the Transkei on Friday was forced to leave two children in Cape Town.

Mrs Nofolile Ganta was separated from her children after she had accompanied her husband to the administration offices on Friday.

"We left the children in Crossroads and went to the offices, where she was arrested by board inspectors," her husband, Mr Buzile Ganta, said yesterday.

When he next saw her she was being put on a bus with their baby on her back and was not allowed to fetch her other children, he said.

In Crossroads yesterday, Mr Ganta, with Thandziwe, 10, and Sibongile, 5, at his side, said he did not know who would care for the children when he went to work this week.

"We were very happy on Thursday when we were told to bring our wives and come to the offices on Friday to get passes," he said.

"The inspectors said there would be workmen who would look after our belongings, so we left everything behind. But it was not to be."

"They took us to Langa and then came to fetch our belongings without our permission. All this was dumped at the office and we later had to sign for our goods."

"At the offices, a man told us that the men would be given passes but the women would be sent back to the Transkei. Our wives were arrested," he said.

In Crossroads yesterday, Mr Elder Mqhekezaa wept as he spoke of his wife and child who had been sent back to the Transkei.

"I do know where they are and what is going to happen to them. We hear that they are going to be dropped on the Transkeian border. How will they get to our relatives in Willowvale?"

The Chief Commissioner for the Department of Co-operation and Development, Mr T Bezuidenhout, said yesterday that he had addressed the people at the offices on

"It was hard living in the Transkei. I had to plough the fields and see to my children. We are far from doctors and clinics and my children always became ill. There is no money in the Transkei."

"In Hout Bay, our house was thrown down and we had to move to Langa. We were chased away and went to the church. From there we were forced to come here to Crossroads."

"Now they want us to go back to the Transkei and leave our husbands. This is a very unhappy time," she said.

The stories of the other women were much the same. The general feeling was that they didn't want to go back to the Transkei.

"We will rather struggle here and know we have the support of our husbands than go back to nothingness," they said.



Friday and had assured the men that they would be given passes.

"I can't do anything about the women because I have to act according to my instructions," he said.

"I will immediately investigate the case of the two children who have been left behind. I am prepared to make funds available to the father so that he can take his children to his wife," he said.

Thandziwe, 10, and her brother Sibongile, 5, clutch on to their father, Mr Buzile Ganta, in Crossroads yesterday. They were left behind when their mother was deported to the Transkei on Friday.

# Churchmen condemn women's deportation

Alms 25/5/81 (206) (340) (28)

CHURCH leaders today condemned as immoral and unchristian the separation of women and children from their families by deporting them to Transkei.

The chairman of the Western Province Council of Churches, the Rev. Louis Banks, said here it was 'utterly immoral and unchristian to separate people who have been joined together as man and wife. It cannot be justified in any terms.'

He was reacting to the deportation of 55 people, mostly women, to Transkei and the Ciskei at the weekend.

The women were loaded into railway buses with their children after being found guilty of being in the Peninsula for more than 72 hours without permission.

They were former residents of the Langa Main Barracks where they lived with their families.

## Archbishop

Mr Banks said another dimension to the removals was the prospect of starvation and the high infant mortality rate in the so-called homelands.

'At least there was hope and life for them in the Cape. I can't put this strongly enough. In theological terms, those authorities responsible will experience God's judgment.'

The Archbishop of Cape Town, the Most Rev. Bill Burnett, said the deportation of the women was again the inhuman and monstrous results of a morally and theologically indefensible political philosophy.

'But for their racial classification, the women and children who have been bundled back to "African homelands" would have been welcome to stay in Cape Town where their husbands' labour is in demand.'

## Quakers

On behalf of the Quakers of South Africa, Mr G. Ellis said the Government had voluntarily taken responsibility for control over the lives of all blacks of the country and this implied a responsibility for their welfare.

'We cannot see that this responsibility is being met in this case.'

'The people being moved

out of Cape Town have found a means of livelihood here which is being taken away from them.

'We believe no alternative provision for adequate living is being made where they are being sent to,' he said.

The acting Western Cape chairman of the Progressive Federal Party, Mr Roger Hulley, said 'I am shocked and distressed by the Government's callous action.'

'The only crime these people have committed is to have attempted to live normal, decent lives with their families.'



Argus 26/5/81 (206) (211) (212)

# Church call to Koornhof on families and freedom

THE Presbyterian Church of Southern Africa has appealed to the Minister of Cooperation and Development, Dr Piet Koornhof, to reverse the policy that leads to families being broken up and interferes in the right and freedom of people to look for work.

In an official statement on behalf of the church,

the Rev Brian Woods expressed concern at the way in which the department had acted against people who had recently settled at Crossroads.

"The motivation given for this action — that the new residents are competing against the older residents of Crossroads by offering their labour for

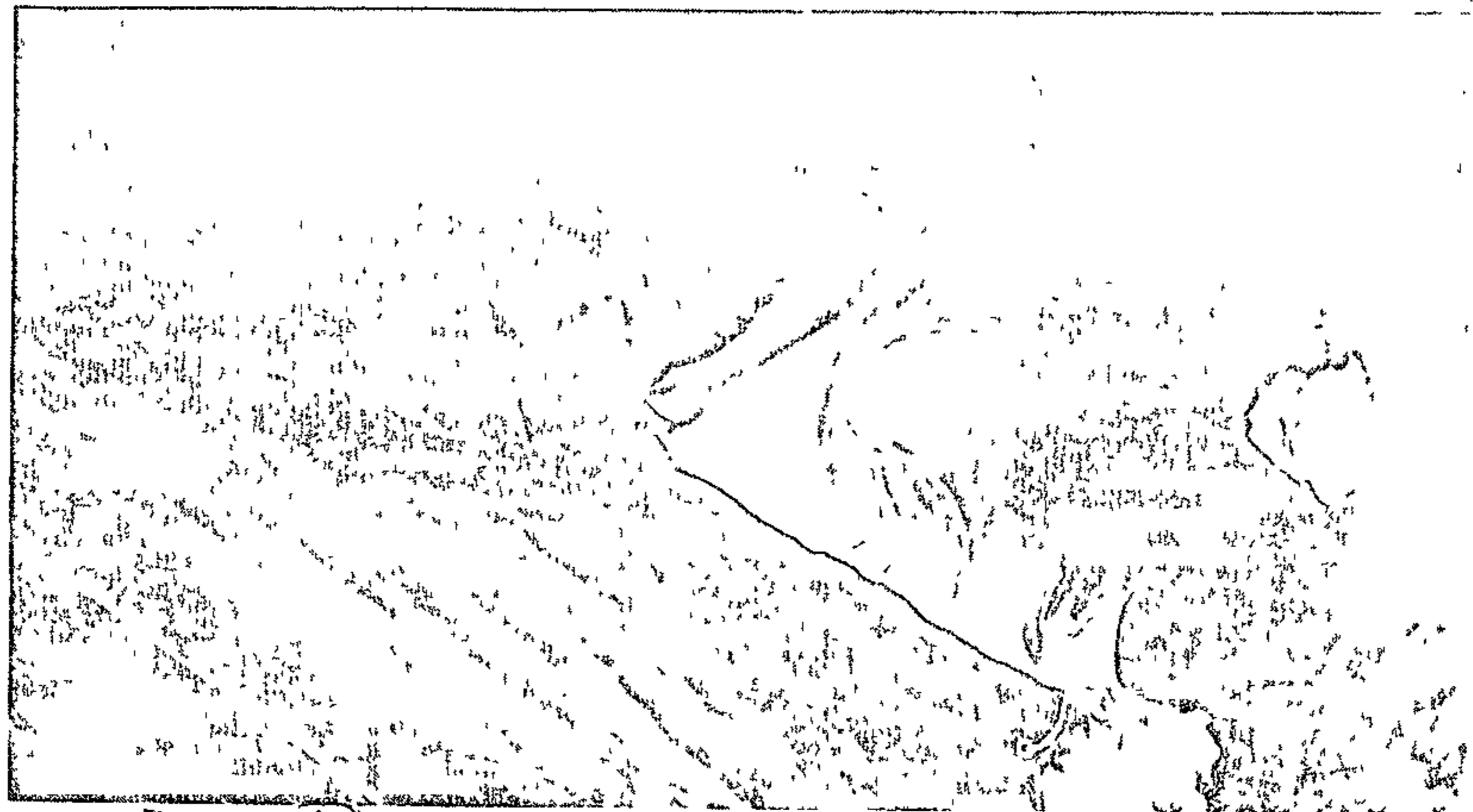
lower wages — is not supported by any evidence. It also suggests that the poorer and more desperate for work people are, the less they have to work.

The church also deplored the way in which wives of the men concerned were deceived into going to the Langa Administration Board offices and then with their children bussed off to the homelands where poverty is endemic and one-third of all children are malnourished.

"These very women lost a total of 21 children there previously, the statement concluded.

Church leaders including the Archbishop of Cape Town, the Most Rev Bill Burnett, the chairman of the Western Province Council of Churches, the Rev Louis Banks, the Quakers of South Africa and Owen Cardinal McCann, Archbishop of the Catholic Archdiocese of Cape Town, have also condemned as immoral and unchristian the separation of women and children.

# Tents for evicted families



Staff Reporter

MORE than 100 men, women and children who two weeks ago marched to Crossroads and erected shelters, added three tents to their accommodation yesterday.

The tents were provided by local community workers in anticipation of rain. The families moved to Crossroads a month after they were evicted from the Langa Barracks. They were moved to the barracks after the administration board asked them to demolish the camps in Hout Bay and Killarney and promised them alternative accommodation in the black townships.

## Churches

After they were evicted from the barracks churches in Langa gave them accommodation. The husbands were worried yesterday as they waited to hear from their wives who were deported to the homelands on Friday. One of the men said that some of the women did not have money and had left their travel documents behind.

The men did not know what would happen but were adamant that they would not return to Transkei.



Thantaswa and Sibongile Ganta outside one of the tents donated by local community workers yesterday as additional accommodation for more than 100 people who were formerly housed in Langa churches after being evicted from the Langa Barracks. The tents were donated because rain was threatening.

Mr Cameron Mathontsi, one of more than 100 people who have moved into Crossroads, pitching a tent donated by local community workers.



~~2170~~  
206  
127

APUS  
26/5/87

Guguletu  
pledge  
to help  
stranded

ABOUT 200 Guguletu residents decided at a meeting at the Roman Catholic Church hall last night to assist stranded men and women in Crossroads who are waiting to be deported to Transkei.

A community worker, the Rev Simon Dvakala, told the meeting that although 55 women and their children were deported to Transkei last Friday, their husbands and some of the children and women were still waiting without shelter in Crossroads to be taken away.

The meeting decided to give food and clothing to the people.

The chairman of the Guguletu Residents' Association, Mf Goodwill Botha, urged residents to give whatever assistance they could to the Crossroads people. Residents have been asked to make their contributions individually as an interim measure.

Additional contributions are invited at a meeting to be held at the Roman Catholic Church hall next Monday at 7 pm.

# Deported mothers

(Continued from page 1)

sist any attempt to arrest the women,' Mr Hulley said.

An eight-month pregnant woman, who had fled from the bus earlier, returned and it was agreed that she would be treated anonymously

Mr Hulley said that the police, led by a Major Oosthuizen, gave the assurance that they would disperse There were about eight police and Administration Board vans in the area.

The board's chief superintendent of housing, Mr P U Schelhase, was also on the scene. He agreed that attempts would be made to solve the issue as a whole through discussion

Mr Hulley said he was grateful that a confrontation had been averted temporarily

'There seems to be a fundamental problem — officials on the one side say the women must not be here, the women on the other hand are determined not to be separated from their husbands

Rush-hour traffic was brought to a halt in Lansdowne Road as the men, women and children ran from the bus, across a vlei and into Crossroads.

## BOARDED BUS

Earlier, husbands and boyfriends of the women boarded the bus when they saw Administration Board inspectors and police, who had been stationed near Crossroads through the night, approaching.

Inspectors boarded the bus It is understood they told the driver to follow a police vehicle

The men and women suddenly left the bus and scattered into Crossroads — among them a heavily pregnant woman

A police vehicle sped around the bus and three men were trapped inside when the door of the bus was closed

The women were among 55 people deported to Transkei and the Ciskei last Friday.

They arrived at Crossroads in a hired bus from Queenstown at about 4.45 am.

The women, carrying their babies, scattered into the maze of shanties off Lansdowne Road as police and Administration Board inspectors attempted to surround the bus at 8.30 am.

They were not pursued by inspectors into Crossroads, but the driver of the bus and three men believed to be husbands of some of the women were trapped in the bus when police sealed the door.

A confrontation between police and Crossroads re-

sidents was averted when police and Administration Board officials agreed not to use force to solve the issue of the deported women

Crossroads residents and police massed on either side of Lansdowne Road at Crossroads.

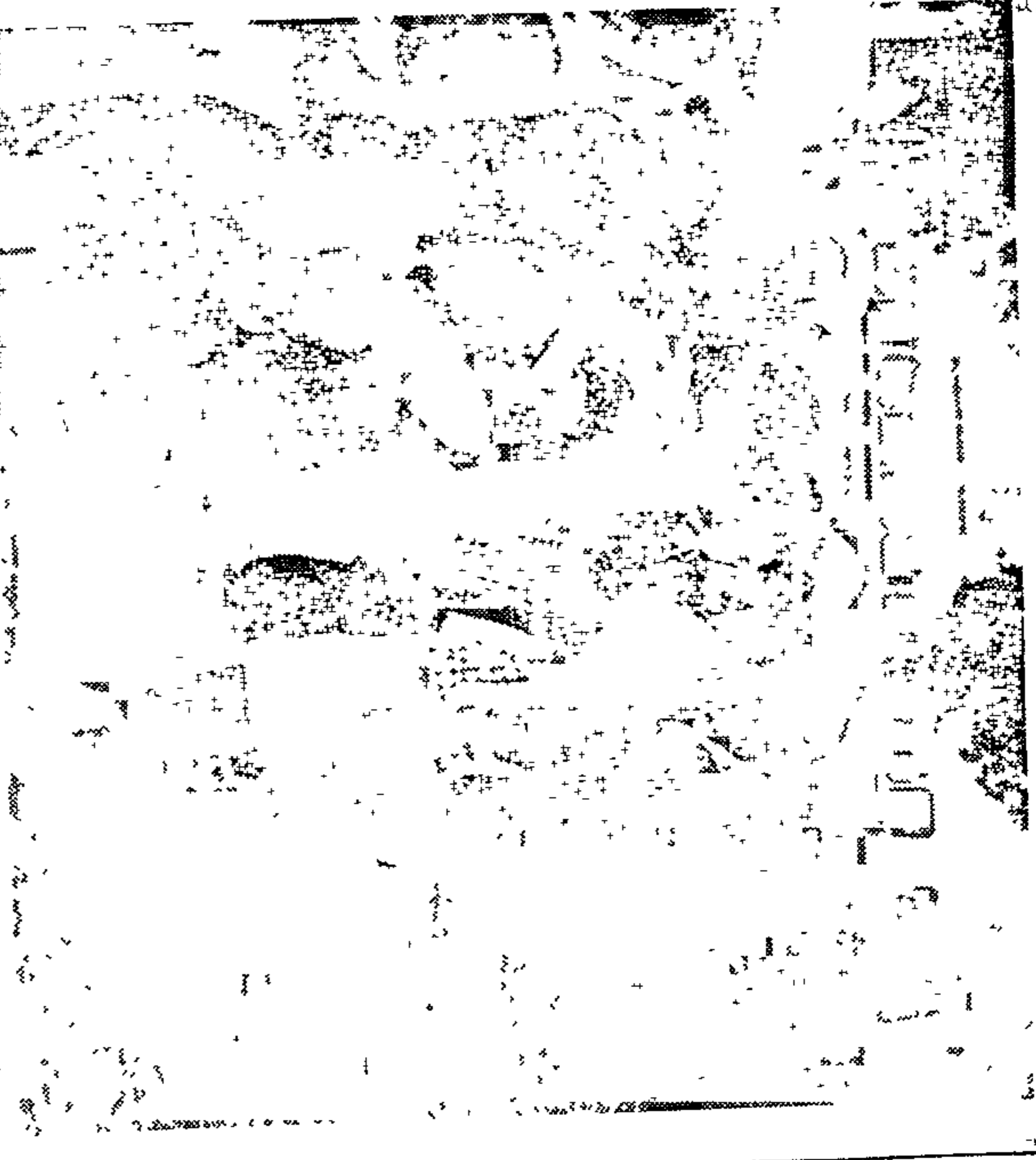
The Women's Movement for Peace entered the area and spoke to residents

A delegation from the Cape Western Region of the Progressive Federal Party led by Mr Roger Hulley, interviewed and discussions were initiated between the police, the Women's Movement for Peace and some Crossroads residents.

'It was clear from the mood of the residents that they were prepared to re-

(Continued on Page 3, col 2)

*WOMEN, who were sent to the homelands, flee across a vlei into Crossroads with their children. The bus in which they travelled through the night from Queenstown is in the background.*



# Deported mums back in scramble

Agnes 27/5/81

206  
344



# Deported women are back in City

Staff Reporter

ABOUT 27 women who were deported with their children to Transkei last Friday came back to Cape Town yesterday.

The women were deported after they were cautioned and discharged for being in the Peninsula for more than 72 hours without a permit and for not having documents.

Fifty-five people taken back to the homelands in railway buses last week. Others left early on Saturday morning, after spending a night in a police cell with their babies.

Interviewed yesterday, one of the women said that on arrival back at Crossroads in the morning they saw inspectors of the Peninsula Administration Board (PAB).

She said the inspectors wanted to arrest them but the husbands 'intervened' giving the women an opportunity to escape into Crossroads.

Recalling their trip, the women said they were dropped in Komga, a town near the South Africa Transkei border.

She said the deportees refused to get off the bus and told six PAB inspectors who accompanied them that they did not want to as this was

not where they lived.

The women claimed that inspectors used dogs to get them out of the bus.

They said they then walked and hiked for more than 160 kilometres to Queenstown. Their babies had sores all over their bodies because they did not have changes of napkins since their clothes had been left in Cape Town.

They also said they had had little to eat because they did not have enough money with them.

In Queenstown they slept at the station's waiting room.

The next day they arranged a bus and asked the driver to take them back to Cape Town with a promise that he would be paid on arrival.

One of the women said that an eight-months pregnant woman who was with them miscarried during the journey and one baby was very sick.

Contacted for comment, the PAB chief superintendent for housing, Mr P. I. Schelhase, referred the Cape Times to the chief director of the board, Mr A. A. Louw.

Mr Louw referred the Cape Times to the chief commissioner of the Department of Co-operation and Development, Mr T. M. Bezuidenhout, who was unavailable.

## Amnesty call for deportees

Staff Reporter

THE South African Government should extend the Republic Festival amnesty to include the deported women and their children and allow them to remain with their husbands, the Progressive Federal Party (PFP) for Grooté Schuur, Mr Jan van Eck, said in a statement yesterday.

After a visit to Crossroads yesterday morning following the return of about 27 women who were deported to Transkei last week, he said the government should show that its compassion was genuine and not bound by ideology.

It had become quite clear people were going to resist the renewed attempt to separate the women from their husbands.

The way in which the government was hounding mothers and children who wanted to be with their husbands and fathers in Crossroads was in sharp contrast to the compassion being shown to 13 000 prisoners who were to be set free in early June as part of Republic Festival amnesty.

"While the government shows this compassion on the one hand it simultaneously hounds dozens of black women who merely want to be with their husbands," Mr Van Eck said.

"By this action it is turning peace-loving people into criminals."

If the government were serious about the Republic Festival, and if it wanted blacks to participate in the festival, it should give them something to be festive

about

Unless it showed compassion by extending the amnesty, violence seemed to be inevitable.

Earlier yesterday, community workers and members of the Women's Movement for Peace met officials of the administration board.

One member of the peace movement said that at the meeting they asked the officials not to raid the tents where the women would stay with their husbands.

She said they also asked the board to reconsider the situation.

They had had a long discussion and asked for more time to reach a solution and avoid violence.

# TRAMS SKEET? WE'D RATHER DIE - WIVES

'THE Government is like a man who has a cornfield which is invaded by birds. He chases the birds from one part of the field and they alight in another part of the field. . . . We squatters are the birds. The Government sends its policeman to chase us away and we move off and occupy another spot. We shall see whether it is the farmer or the birds who get tired first . . .

*Arms 29/5/81*  
*Ornel Monongaha, Pimville squatter leader, circa. 198*

By BRUCE GORDON

They denied that 'instigators had told them to come back to Cape Town

he said it was no place to stay and he would give us accommodation,' said one of the women.

### Prayers

They said Mr Lawrence knew that many of the women had grown up in the Cape but now he was prepared to give passes to the men only and wanted to send the women to the homelands

The meeting was attended by the chairman of

the Western Province Council of Churches, the Rev Louis Bank, the Rev Douglas Bax of the Presbyterian Church, Father Des Curran of the Roman Catholic Church in Guguletu, the Rev Ashley Cloete of the Moravian Church and Sister Aine of the Roman Catholic Church in Elses River

The meeting ended with prayers and hymns. Blankets and clothes were donated to the families by community workers. A police van arrived and took the registration numbers of cars near the meeting.

WOMEN who defied a deportation order to the homelands and returned to Cape Town this week are 'prepared to die' for the right to stay in the Peninsula with their families

This was the message given to church leaders and community workers at a meeting with the families in Crossroads yesterday

Three women returned to Crossroads yesterday, bringing to 30 the number of women who have returned to their husbands in Crossroads, after being deported to the homelands last weekend

Their husbands said they were prepared to defend the right of their wives to live with them even to death

They asked the church leaders to negotiate with the Government on their behalf for permission to stay in the Peninsula

We are not fighting against the Government. We are talking to them. We want to be like other races who have the freedom to live in Cape Town with their families

## Case history

'EVEN if I was prepared to leave my family I could not afford to start a new life in Transkei,' said Miss Miriam Mazula, 25, who was born in Cape Town but has no legal rights to remain

For the past year she has struggled to maintain the semblance of a normal

In March, she, her husband, and their two children were evicted from the barracks

Both adults were arrested

She produced a medical certificate in court stating that her child had been in the City Hospital for six months last year with double pneumonia. She escaped a fine but was

She was put in a bus with 27 other women and their children and taken to Komgha station in the Ciskei

Inspectors who were escorting the bus told them a train had been organised to take them to Transkei. They refused to leave



A community worker told the families that they had been given an ultimatum by the Administration Board of the Western Cape to decide by today what they intended to do.

The board has given the assurance that it will not act against the people until Tuesday.

The women, some of whom were born here, said passes were not a 'natural creation'.

'This is a place of God like any other place. We are not going anywhere. We want to stay with our families,' said one.

The women said they had been sent back to homelands, unprepared for the journey or for a stay of any length of time there.

'They had been 'dumped' at a place to which they had never been before.

They would not return to the homelands. They had no families there. Medical services were expensive and inadequate and there was no work for them in Transkei.

Yesterday, she stood in a dusty vlei alongside a makeshift shelter in Crossroads and said that in spite of the evictions, court appearances, harassment by officials and finally a deportation order to Transkei, she was not prepared to move.

### No money

'There is no money to make a life in Transkei. I have no relatives there. Babies are dying and people are starving.'

'My child is sick. It is difficult to get to hospitals and doctors. I want to be with my husband in Cape Town.'

Born in Retreat in 1956, she went to Transkei at the age of two but returned to attend school here from Standard 5.

She married a Transkei contract worker in Cape Town in 1977.

They lived in a squatter camp in Killarney until, in 1979, they were forced to move to the main barracks in Langa.

seven days. She stayed. Her husband was fined R60 for being in the Peninsula for longer than



Mrs Miriam Mazula

72 hours without permission. He lost his job in Rylands.

The family was temporarily split up when Mrs Mazula and her children found shelter in a classroom in Langa with 60 other women and their children who had been evicted from the barracks.

The menfolk stayed in church buildings at St Cyprian's in Langa.

### Shelter

In a bid to find permanent accommodation they moved en masse to Crossroads and erected a shelter two weeks ago.

The shelter was demolished last Friday while all the occupants were at the Administration Board offices in Langa.

'We went there believing that they were going to legalise our position in the Cape.'

Instead those without permits were taken to the Commissioner's Court across the road.

Mrs Mazula pleaded not guilty to being in the prescribed area for more than 72 hours without permission.

### Deported

She was found guilty and referred to another commissioner who deported her to Transkei with fifty-four other people.

arrived.

'We did not trust the inspectors after what happened at the Administration Board's offices,' said Mrs Mazula.

The inspectors went to the police station and the police came with dogs and told us to get off the bus.

### Way back

'We started to look for a way back to Cape Town.'

The women walked more than 60 km to Stutterheim before getting a lift.

They paid R7 each to get to Queenstown where they hired a bus to bring them back to Cape Town.

The bus travelled through the night.

When they got to The Strand an eight-month pregnant woman started having labour pains.

One of the children had fits on the journey.

They arrived in Cape Town on Wednesday morning and sat in the bus until 8.30 unable to pay the full fare.

### Fled

When Administration Board officials and police attempted to surround the bus they fled into Crossroads.

Mrs Mazula has a quietly dignified manner. She is happy to be reunited with her husband in Cape Town.

'We are not moving,' she said.

Soon afterwards the strain of the last week overcame her and she broke down and sobbed.

Church leaders have undertaken to negotiate on her behalf with the authorities to legalise her position in the Cape.

ARCUS  
29/5/81

206

white male alcoholics between the ages of 15 and 65 years.

These figures are calculated on the above-mentioned assumption that 6% of the economically active population (between 15-65 years) can be classified as alcoholics. This figure of 6% was developed by an American epidemiologist who undertook numerous national surveys including different social classes, ethnic and minority groups and sub-cultures (Cahalan, D. et. al., 1967, p. 125)

Whether this figure of 6% is applicable to South Africa in general, and the Coloured population group in particular, is debatable.

In view of the widespread misuse of liquor in the Coloured communities, some authorities estimate that the percentage of "addictive" alcoholics for this group is rather in the order of 6-8% (SANCO, 1978)

Although there may be merits in because of the established relationship of liquor consumed and the incidence of this inflated percentage is a misconception and definition of alcoholism. To substantiate my viewpoint I conducted from 1963 to 1965 by Prof. Gillis (Gillis, 1965, p. 4) into psychiatric disturbance and alcoholism among Coloured people in Cape Town, it was found that 4% of the sample was "addictive alcoholics", of which 35% were male. In addition to this the survey, revealed another 3.2% that could

could be classified as "pre-addictive drinkers" With regard to excessive drinking or liquor abuse the situation for both population groups change dramatically. Gillis

DEPORTEES BACK IN CROSSROADS

Women return in defiance

ABOUT 30 women deported to Transkei last weekend made a defiant return to Cape Town on Wednesday with their children. They arrived at Crossroads squatter camp in a hired bus from Queenstown. The women carrying babies scattered into the maze of shanties off Lansdowne Road as police and administration board inspectors attempted to surround the bus.

They were not pursued by inspectors into Crossroads but the driver of the bus and three men believed to be husbands of some of the women were trapped in the bus when police sealed the door. Rush-hour traffic was halted as men, women and children ran from the bus, across a viaduct into Crossroads.

SOWETAN REPORTER

The women were among 55 people deported to Transkei and the Ciskei last Friday.

They were found guilty by the Langa Commissioners Court of being in the Peninsula for more than 72 hours without permission. They were cautioned, discharged, referred to a commissioner and were then deported to Transkei.

The women and children were put into railway buses and taken to Queenstown and then Komga station where some were given rail warrants.

The women claimed they had walked more than 50 kilometres back to Queenstown where they hired a bus back to Cape Town.

Meanwhile on the eve of the Republic festival long weekend, Cape Town police have launched a crackdown on crime in the Peninsula and have arrested more than 150 people on various charges.

FOUR ARRESTS

Murder and Robbery Squad detectives led by Warrant Officer Kallie Bothma arrested four men and a woman in Mitchells Plain and took possession of firearms, ammunition, mandrax tablets, dagga and cash. During a crime swoop in Elsie's River in which 90 people were arrested on charges ranging from murder and rape to assault, police also arrested three youths aged 14 in connection with a fire at the Elswood Primary School in Elsie's River on May 12.

2) A very large... the lower... road of the... bus-... bano... his... official

204 207 208 209



# No special status for black foreigners'

By BARRY STREEK of the Daily Dispatch, East London

IN TERMS of South African government policy, people regarded as Transkeian citizens are theoretically foreigners in South Africa and are to be accorded the dignity and status that classification implies

On December 4 people regarded as Ciskeian citizens will be given, theoretically, a similar status

Over the years we have had a succession of South African cabinet ministers alleging that people from the "independent homelands" will be given a special status because of that independence

The harsh truth in the Cape Peninsula is, however, very different. Here, the day-to-day reality of life is that the black people from Transkei and Ciskei are treated no differently from other South African blacks subject to the pass laws, and all the indignity and harassment the execution of those laws implies

That is, of course, a serious allegation to make, but I believe it reflects the true reality

## Need work

The unemployment situation in the Ciskei-Border-Transkei region is chronic, and thousands upon thousands of ordinary law-abiding people need work badly. Very badly.

There have been a number of plans to stimulate economic development in the region, but, so far, little has come of them. The result today is that thousands and thousands of Ciskeians and Transkeians do not have jobs. And when people don't have jobs and money they get hungry.

The need is basically for money, to feed and house themselves and their children. They need money for those things which in a healthy society would be regarded as a basic right.

Only the other day Chief Sebe of Ciskei attacked the "leprosy and cancer of apartheid", while Chief Matanzima of Transkei said that if the common enemy was to be repelled "white South Africa should accord blacks a sense of belonging".

But, in sharp contrast, in the Langa Commissioner's Court recently, a magistrate, Mr L van Wyk, underlined effective official attitudes to this situation when he convicted Mrs Eugenia Guzula, 25, of being illegally in the Cape Peninsula and fined her R60 (or 60 days).

Mrs Guzula told the court she had come to the Cape to look for work. She had been looking for work since Janu-



This simply vindicates the view that the problem of unemployment in the South African region as a whole is being shifted to the homeland governments (which are least able to cope with the scale of the problem).

Here is another, more personal, example of how the system is working in Cape Town.

My gardener, who works for me on his off day and who comes from Cofimvaba, where he has two children to whom he regularly and conscientiously sends money, was arrested by inspectors of the Cape Peninsula Administration Board for allegedly not having a permit to work in the Peninsula.

There was certainly no intention to break the law. He had a permit to live in the white area of Hout Bay and it was assumed that this was sufficient for him to work here as well. However, the state case, which is still pending, is based on the requirement that he needed two permits — one to live here and another to work here.

He was arrested and put in a van at about 11.30 on a Tuesday morning. I was given a summons in terms of the Section 10 (bis) 1 of Act 25 of 1945 and told I could pay a R100 admission-of-guilt fine.

He was kept in the van until about four that afternoon, when he was transferred along with six others to a police cell in Langa. By 10.30 the following morning he had been released on bail of R60 through the intervention of my lawyers.

During those nearly 24 hours of detention he was only given water and some dry bread without butter or jam. His only liquid refreshment was water. No tea or coffee, just water.

If lawyers had not been present, he would probably have been convicted — indeed the prosecutor, a friendly man doing his job, wanted the case to be heard that Wednesday morning — but the lawyers persisted with a bail application to which he eventually agreed.

That was in 1979. But two years later in 1981 a man with housing and work is still treated the same as anyone else whose documents are not "in order".

My gardener who, without an adequate defence, was likely to have been fined R60 (or 60 days), was incarcerated for 24 hours. But I, who may be fined R100, was given a summons to appear in court in June.

The treatment my gardener got for an apparently less serious offence was markedly different. The colour of my skin and his skin was the difference.

These are but two examples of how people from Transkei and Ciskei are treated in the Cape Peninsula, where the beauty of the area hides the human misery in it.

One could go on with the examples, and there are enough of them, but that is not necessary.

The Minister responsible, Dr Koornhof, once declared war on the dompas, although he does not seem to have won a battle yet. What is needed now is action.

The only real solution is to scrap the pass laws. But it would be unrealistic for us to hope a Nationalist government would go that far.

But one can demand that people be treated as human beings, and that equal justice for all be applied.

## Learn realities

Inspectors of the Cape Peninsula Administration Board should spend six or 12 months' service in the rural areas of Transkei and Ciskei to learn about the realities of the lives of hungry people.

Chiefs Sebe and Matanzima and members of their cabinets should take the trouble to make unannounced visits to the Langa pass-law courts to see for themselves what is happening to the people. Perhaps members of their diplomatic staffs should be there permanently to keep a watching brief.

Whatever step is contemplated, I can only urge Chiefs Matanzima and Sebe to take firm action immediately in the interests of their people.

Finally, I must add that my own case still has to be heard in the courts. Although I never intended to break the law, I cannot and will not pay any fine for giving employment to one of the thousands of people from Transkei and Ciskei who need work so desperately. In principle that simply cannot be regarded as wrong, whatever the consequences.

any but had not found anything

Mr Van Wyk, according to a newspaper report, asked her why she did not go home

"We are starving in the homelands," she replied

Mr Van Wyk said "We are starving in Cape Town. You can rather starve at home"

In other words, people like Mrs Guzula should go back to the Ciskei and Transkei and starve where there is not the remotest possibility of work, rather than in Cape Town where there is at least some possibility of work

The case is still pending, but the point is that here was a man with legal residence and a job, being detained for 24 hours purely because he was doing his best to give his two children a chance in life

I remember so well reporting on the Riekert commission report when it was tabled in the South African Parliament. The report was accepted, in principle, by the government. One of its recommendations was that a person with a job and housing should be permitted to work in "white" South Africa

In the meantime, I can only hope that Chiefs Matanzima and Sebe will investigate the conditions and treatment of their people in South Africa and that their efforts will improve the lot of the people who suffering under the system here

CT  
30/5/81  
206



CT 30/5/81  
Meeting sought  
with Koornhof

Staff Reporter

THE Western Province Council of Churches (WPCC) is arranging a meeting with the Minister of Co-operation and Development, Dr Piet Koornhof, to discuss the situation of 30 deported black women who returned to the Cape Peninsula last week.

The chairman of WPCC, the Rev Louis Banks, said yesterday the church group had decided to seek the interview after a meeting yesterday with officials of the Peninsula Administration Board.

The PAB officials at the meeting included the chief commissioner of the Department of Co-operation and Development in the Western Cape, Mr Timo

Bezuidenhout, the vice-director of labour for PAB, Mr G N Lawrence, and the chief housing official of the PAB, Mr P U Schelhase.

Mr Banks said they were asked by local community workers to mediate for the women who told the workers at a meeting in Crossroads on Thursday of the unpleasant journey they had experienced when they were deported.

The women were deported last week after they were cautioned and discharged for being in the Peninsula for more than 72 hours without a permit and/or for not being in possession of identity documents.

Mr Banks said the church group conveyed to the PAB officials that the separation of

families was unacceptable from the church's point of view.

"We asked the PAB officials to stop raids while the interview with Dr Koornhof was being sought," Mr Banks said.

He added that PAB officials had "agreed" that they would not execute raids. However, Mr Banks said, the officials told them that they were subject to instructions "from above".

He described the meeting as being "good and honest from both sides" and said that a compromise had been reached.

The churches represented were Roman Catholic, Congregational, Moravian, Anglican and Dutch Reformed.

'No arguments'

Commenting on the meeting, Mr Bezuidenhout said last night that the church representatives had expressed their feelings about "the system" and that "no arguments had been involved".

"They asked whether they could set up more tents for the people and I said they could not. We cannot have any more structures and tents until the whole matter has been resolved.

"I said they could by all means improve the existing structures of the people and arrange blankets and food for them. I also assured them that they would not be hampered if they went on to the sites to do this."

# Challenge that hides the hurt in Mrs Majosi's eyes

IF MRS FIKI MAJOSI didn't have a friend who is an advocate she would have been another urban Black petty crime statistic

Not knowing she might have been innocent, she would have paid the R50 fine for unlawfully accommodating her husband, Lucas, under the Bantu Urban Consolidation Act

Aged 46, with never a Pass Law offence against her, this dignified, respectable mother of two married children would have been finally caught in apartheid's net — because her husband was in her room at 5.45am

Mrs Majosi cares for an elderly Rosebank woman and lives in a room on top of the flats, Anna Mansions Johannesburg advocate Tony Gordon is a relative of Mrs Majosi's employer and has known her, on first-name terms, for about four years. Defending her pro deo, he secured her acquittal this week

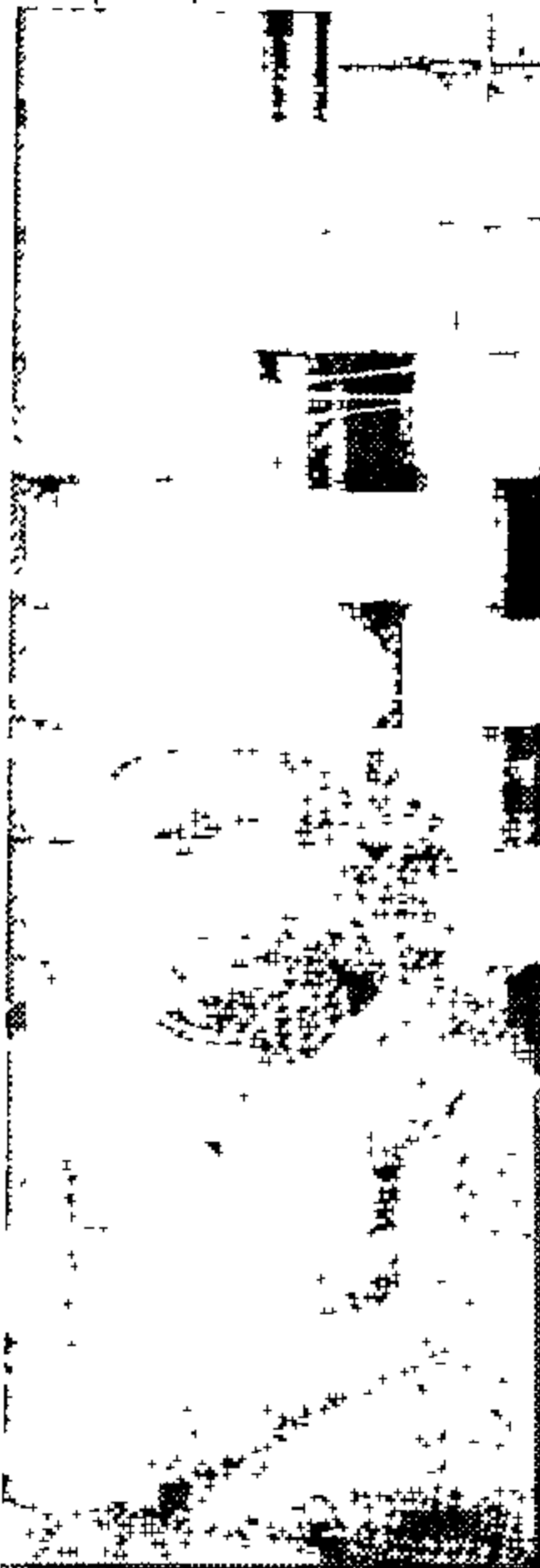
If he could take on the humiliation Mrs Majosi felt at standing in the dock, I am sure he would. But, apparently wary of having his motives misunderstood, he would not make a Press statement

West Rand Administration Board inspector E Horak refused to go with Mrs Majosi to her employer, only two floors below, for an explanation of her husband's presence — an action which Wrab chairman John Knoetze says he is "very unhappy" about. "This must not happen again," he said

If Mr Horak had been prepared to listen he would have heard that Mr Majosi, 52, lived only a few metres away separated from his wife by a driveway. He also lives in a "location in the sky" a room on top of Keyes Court

Forbidden by law to spend the night together, the Majosis wave to each other in the mornings if they emerge from their stark bachelor quarters at the same time. If the over-worked cliché "so near and yet so far" still has any meaning it describes their situation

Mr Knoetze said recently the law should be "bent" to achieve justice, and I asked him to bend only the rules and get the Majosis's accommodation in Soweto — they are on



● Mrs Fiki Majosi points out her husband's room in Rosebank's "location in the sky".

**By PETER  
WELLMAN**

the waiting list. His refusal was adamant: "They are perfectly happy as they are," he said, and the fact he has never spoken to them was nothing to him

He went further: "It would set a precedent. There could be 100 000 people making love!"

Mr Knoetze agreed that it is "a hell of a way to live". Was it not a cruel system that brought this about, I asked

"I am not saying you are wrong," he replied

"On our side we must show sympathy, empathy, and understanding."

And the Majosis, on their side? "They should avoid prosecution"

I pointed out that Mr Majosi might visit his wife, quite legally, and they might then fall asleep. Mrs Majosi would wake up in morning a law-breaker. What then?

"I don't want to go into the moral side of it," said Mr Knoetze

He suggests a system that worked well when he was in charge of the Vaal Administration Board flexitime for domestics.

Mr Majosi, a collar-and-tie man, is a building society messenger and it would be difficult for Mrs Majosi's ministrations to the old lady to be as casual as that

"Avoiding prosecution" means there's no spontaneous loving in the Majosi relationship — except when they risk another pre-dawn visit by an obstinate official who won't listen to explanations. And especially since the flats are raided regularly by Wrab inspectors. Mrs Majosi can't understand that she almost committed a crime. She and her husband (away for the weekend) are so straight up that if the Oxford Dictionary gave an example of respectability they'd be it

She is small, fastidious, and proud. But self-esteem is temporarily damaged. "I feel a criminal," she says. "But I didn't do anything to anybody. That court case hurts. What did I do?"

She has the neatest, best set-up domestic's room I've seen. It includes an expensive three-seater settee and display cabinet — both purchased after hard saving — and enough little extras to let you know she's a house-proud woman

Mr Majosi is now scared of being caught in his wife's room. He arranges to meet her by standing on his balcony and catching the eye of someone on hers and the Majosis's, who have been married since 1959, meet in the foyer

Talking to us, Mrs Majosi had a sudden thought. "Now that you and the photographer are in my room, am I breaking the law right now? What law am I breaking — can you answer that?"

I couldn't, but I wished Mr Knoetze could see the direct challenge hiding the hurt in the eyes of Mrs Fiki Majosi



BISHOP DESMOND TUTU will begin a week of prayer and fasting in the headquarters of the South African Council of Churches tomorrow to highlight the plight of "resettled" people in South Africa — particularly the 30 women who returned to the Crossroads squatter camp this week after banishment to Transkei

The 30 women — one in labour and others carrying their babies — returned to their makeshift shanty homes on the outskirts of Crossroads this week indicating they would rather face death than return to the homelands without their husbands where "there is no work and starvation awaits them"

The women's husbands have also indicated that they are prepared to defend the right of their wives to live with them "even to death"

In an interview with the Sunday Express Bishop Tutu pledged the SACC's unconditional support for the women adding that the Church body would do "everything in its power" to support the women in their right to a healthy family life

Bishop Tutu's dramatic "week of fasting and prayer" will focus on the forced removal of South African people as an aspect of the Government's philosophy that "Blacks are not South Africans"

The Bishop said he had called on Church leaders to join him and had written to the World Council of Churches and all its member councils throughout the world to join the SACC in a week of prayer

"I am also planning to write to the Minister of Co-operation and Development, Dr Piet Koornhof, appealing to him to stop the system of forced removals — even those which he

Tutu to  
S. Express 31/5/81  
go on week  
306 of prayer  
and fasting

By JOHN BATTERSBY

calls voluntary, which very often are nothing of the sort."

Bishop Tutu said the plight of the 30 women and their children, who had defied deportation orders under the Government's influx control laws rather than face unemployment and starvation in the homelands, would be highlighted during the week of prayer and fasting

In a tense scene at the Crossroads squatter camp this week the women streamed off the bus and scattered among the maze of shanties as police and Administration Board officials surrounded the bus

It was only intervention by a combined ad hoc delegation of the Women's Movement for Peace and the Cape Western Region of the Progressive Federal Party led by Mr Roger Hulley, MP for Constantia, that prevented further police action

Bishop Tutu said the idea for a week of prayer and fasting had evolved from a resolution passed at the recent SACC annual congress which called on Christians to undertake pilgrimages such as going to live with people in resettlement areas "to experience what it means to be a displaced person in your own country"



Dr Motlana



Mr Mosala



Dr Buthelezi

# 'Sympathy won't help'

By CHARLES MOGALE

THE "sympathetic" application of the pass laws will not diminish the bitterness blacks have towards them, a Rand Supreme Court heard yesterday.

Expert witness Professor M Wiechers of the University of South Africa, was giving evidence before Mr Justice Coetzee in the lawsuit filed by Wrab against, Satam, for R7,5 million in damages done to its buildings during the 1976 Soweto riots.

Prof Wiechers, who appeared as a Wrab witness, made the remark during cross-examination by Santam's chief counsel, Mr S A Cilliers. He said sympathetic meting out of the influx regulation laws would alleviate the resentment of the laws by blacks, but could not eradicate the problem.

Mr Cilliers Don't you

think there are grievances arising from the unsympathetic implementation of the influx laws by blacks?

Prof Wiechers You can alleviate the problems, but you can't remove them by applying the laws in a sympathetic manner

Prof Wiechers added that Dr Nthato Motlana (Soweto Committee of Ten's chairman), Dr Manas Buthelezi (Black Parents' Association chairman) and Mr Leonard Mosala (former Urban Bantu Council member) all carried "dompasses", and blamed the Government for this

He agreed that the resentment of blacks for

the authorities stemmed mostly from laws made by the Government and not the officials who carried them out

Disturbances in the northern Transvaal, Durban and Cape Town in solidarity with those in Soweto, could not have been aimed at Wrab, as they had nothing to do with it

Prof Wiechers agreed that people saw the problem with the Government, which is why they refused to talk to Wrab officials during the riots and demanded to speak to the responsible cabinet ministers

200  
3/6/81  
Soweto



(48)

3) to provide a less clinical, more homely atmosphere to reduce the psychological stress of childbirth. The patients get to know the sisters and midwives at the MOUs during the period of ante-natal care. The system at hospitals is clinical and impersonal. Ante-natal care is provided at outpatients departments and the delivery in the maternity wing.

The specific aim of the MOUs is not to reduce the peri-natal mortality rate or the maternal mortality rate - that is the aim of all obstetric care. However, since the establishment of the MOUs, the peri-natal mortality rate has declined. (See Table 5.1 - this excludes information about deliveries performed by independent midwives.) There has been no significant change in the maternal mortality rate since 1973 as modern medicine in Cape Town has advanced to the stage where maternal deaths are not common and are not usually clinically avoidable.

Nor is the aim of MOUs to do away with hospital deliveries - there will always be a need for hospital specialist care in the area, due to the number of high risk cases, particularly as Black women have a high incidence of cephalopelvic disproportion. It is important to note with respect to the peri-natal mortality rate that low risk pregnancies may still result in the need for the transfer of the case for specialist attention or in the death of the child. Under the auspices of UCT/CPA, no more home deliveries are now conducted. Table 5.2 shows the percentage of deliveries performed in institutions. This includes cases of born before arrival but transferred immediately to an institution after birth. (Institution refers to hospitals and MOUs.)

MOUs and associated clinics also provide the ideal environment for the introduction of the concept of family planning. In 1976, 81% of the patients discharged from MOUs were on some form of family planning. The Day Hospitals themselves also provide a family planning service. Since 1972, there

(49)

has been a marked decrease in the number of births to Cape Town municipal residents, particularly the 'Coloureds'. (5)

The operational efficiency of neonatal paediatric care has also been improved by MOUs. Neonatal examinations are provided in 3 places -

- babies born at MOUs are seen by the MOU staff - midwives and paediatric nurses
- babies born in hospital are seen by the professional hospital teams
- babies born in the home are seen by private midwives

Well babies are discharged from hospital and MOUs where problem cases are either kept in hospital or transferred from the MOUs. There is thus a concentration of specialists treating those babies requiring the attention of professional teams. Each notified birth is followed by local authority health visitors, and well baby clinics provided by local authorities.

The impact of MOUs on the cost and efficiency of obstetric care can be seen from the above discussion. While the MOUs are responsible for only 2% of the MOUs, it was responsible for the initial introduction of the concept. It has an important role in improving obstetric care in the Peninsula, particularly in reducing the perinatal mortality rate, a mortality rate which is accepted as being sensitive to the quality of obstetric care.

## CT 4/6/81 (206) Illegal employment alleged

IAN Barry Clayton Streek appeared briefly in the Retreat Magistrate's Court yesterday charged with employing Mr Thomas Thembani on May 19 this year without permission. Mr Streek, of Van Oudshoorn Street, Hout Bay, was

charged in terms of Section 10 (bis) 1 of Act 25 of 1945. No evidence was led and the case was postponed to June 19.

Mr N Jones was on the Bench and Mr H. R. Squier prosecuted. Mr Streek was not represented.

# INFLUX GOINTROL NOW

**'NOTHING typifies the disintegration of influx control more vividly than the massive flow of blacks to urban areas, the high number of shanty-dwellers and township lodgers.'**

Strong words. But they come from a prominent civil servant involved for more than a decade in the practical effects of and research into influx control.

Certainly the Government seems to have recognised the problem and harsh measures in terms of the Rieker report reflected an attempt to tighten up influx control. But in many, often little-heralded ways, the Government seems to be relaxing influx control in certain areas and appears to be preparing the voting public for further relaxations.

It would seem that with the housing crisis, and severe manpower shortages, the Government has little option.

The committee investigating influx control under Dr Piet Koorhof, the Minister of Co-operation and Development, is an indication of this. In October last year, the Deputy Minister of the Department of Co-operation and Development (COD), Dr George Morrison, told the Cape National Party congress

that the Government was planning for a 'controlled amount of squatting'.

Dr Morrison said squatting was 'basically a problem of poverty and not so much one of urbanisation'. He said it was 'part of the emancipation of the Third World' and was the 'physical manifestation of a social and political process'.

Then in January of this year, Mr J H T Mills, director-general of COD, said in an address to the chief commissioners of his department that 'respectable' blacks should not be bound by the provisions of influx control, which applied to blacks who had no jobs or homes in the cities.

Mr Mills said it was wrong to apply these measures to every black person.

Referring to a memorandum he had sent to the Cabinet, Mr Mills said it would cost the State at least R820-million a year to wipe out the housing backlog, without even providing for population growth. He said this was financially impossible and that a new approach was

# FALLING TO PIECES

**IN the next 19 years an additional 21-million blacks will move to South Africa's urban areas. They will join the existing estimated 4.5-million squatters who cluster round the cities. In all, 75 per cent of blacks (28-million) will be urbanised by the year 2000.**

needed Mr Mills said the new approach should be to provide enough ground for the backlog and for population increases, then to plan these sites and provide water and sanitation services.

He said these sites should provide for squatters as well as legitimate inhabitants building their own homes.

Highly placed sources have told The Star that

blacks had freehold rights and their dwellings, although modest, were often adequate.

The first major step toward making squatting a problem was initiated as far back as 1913.

In that year the Native Land Bill was passed. It stopped not only mixed farming (the share-crop system where blacks had the use of a portion of a white farmer's land and paid rent with a portion of their crop) but also drastically limited the right of Africans to own land.

The Government of that time promised land for any Africans evicted from land — but this never materialised.

Thousands of African families, particularly in the Free State, were driven off white farms and for months they wandered homeless and starving, before being absorbed as labourers on white farms or in towns.

The situation exists today where African farmers, the few that still

the Government moved us.' For which privilege, each family had to pay R37,50.

They were moved to Kwaggafontein C, a resettlement camp in the kwaNdebele homeland which has an estimated squatter population of 300 000, with an average of 20 additional families arriving each day.

*206*  
*C. Herold*  
*6/6/81*

Residents travel hundreds of kilometres each day to work — either in Groblersdal, Marble Hall, Pretoria, Witbank or Middelburg. The Institute of Race Relations is helping 600 families stave off starvation under their 'Operation Hunger' scheme.

Water is scarce, 50 test boreholes have yielded nothing from the dusty earth and each week a water tanker brings water to the settlement. Some of the settlers were evicted from Winterfeld — possibly the largest squatter town in the country with a population estimated to be approaching a million. Winterfeld is part of Bophuthatswana, President Lucas Mangoshe wanted all non-Tswana residents who had lived in the area for less than five years to leave. But eviction from 'white' or even other homeland areas is not the main catalyst for movement to urban areas. It is unemployment and hunger



moving towards ways of restructuring influx control as far back as 1975, when they began experimenting with the upgrading of squatter areas.

Much of this work is secret, with the Government having the problem of educating an increasingly polarised voting population.

What causes squatting? The answers are numerous.

Some urban planners say the problems began in 1886 with the discovery of gold on the Witwatersrand. But at that time

Africa, are being forced off their land and expected to squeeze into the 13 percent of land set aside for blacks.

#### STARVATION

This has made life impossible for thousands of rural blacks causing a consequent upsurge in starvation and infant mortality in these and homeland areas.

An example is that of Mr G Mahlangu He and 65 families were forced to move from farms in Syplaats and Bakfontein. The white farmers said we were too close to them, so

206

C. Herald  
6/6/81





# Black Sash leader <sup>206</sup> ~~206~~ <sup>slow</sup> <sup>8/6/81</sup> comments on 'private talks'

**Anthony Duigan**  
 In the past three years a wide spectrum of black and white political leaders have been meeting to try to hammer out areas of agreement on the restructuring of the system of government.

Details of the private meetings, convened by Black Sash national leader Mrs Joyce Harris, leaked out at the weekend. But today a concerned Mrs Harris said reports that a national conference to draw up a new constitution would be held in

Johannesburg later this year were unfounded.

"The talks are very much in an exploratory stage," Mrs Harris said. "At no stage has a national convention been discussed. Therefore, no date could have been fixed for it."

"The talks have been held at various levels over the past three years and one of my principles has been to see the idea of negotiation as a measure of achieving a new constitution for the country, promoted across as wide a spectrum as possible."

Among those who have been taking part in the talks are representatives of Inkatha, the cultural liberation movement headed by Chief Gatsha Buthelezi, the Progressive Federal Party, Bishop Desmond Tutu, general secretary of the SA Council of Churches, the Indian Reform Party and the Labour Party.

Two black groups which have not taken an active part are the Azanian Peoples' Organisation and Soweto's Committee of 10.

"All we are presently seeking are areas of agree-

ment and the possibility of common or complementary strategies," Mrs Harris said.

There has been broad agreement on the following:

- South Africa should have a non-racial society.
- Blacks should acquire tenure of land, political rights, freedom of speech and freedom of movement.
- The pass laws should be abolished.
- A national convention should be held.

tion should be held.

● There is room for both participation and non-participation in government-created institutions. Strategies must be tailored to meet circumstances.

● The importance of making "tactical alliances".

Discussions, so far, have ranged from the need for a unitary education system to socialism and free enterprise and Afrikaner leading Africans. Academics have spoken at the meetings on invitation.

Methods. The following table shows the crude and standardised rates of death and age group, population, information, expenditure, comparison, of the country, the specification of the census.

appear after a delay of several years. The 1974 report was the latest available at the commencement of this study. There are two series, one for Whites, Asiatics and Coloureds which cover the whole country<sup>2</sup>, and one for Blacks for selected magisterial districts which comprise the main urban areas<sup>3</sup>.

In 1974 there were 34 974 White, 4 795 Asiatic and 29 479 Coloured deaths in a population of 4155 000 Whites, 709 000 Asiatics and 2 368 000 Coloureds<sup>4</sup>.

death registration is virtually complete. The estimated total Black population for the whole country for 1974 was 17 772 000<sup>4</sup>. On the basis of a crude death rate in 1970 of 10.3 per thousand for Blacks for the country as a whole<sup>5</sup> one would expect 183 000 deaths. Since the Births, Marriages and Deaths Registration Amendment Act of 1970<sup>6</sup> the registration of Black deaths is done by the Department of Bantu Administration and Development. In 1974 the Bantu Reference Bureau registered about 130 000 deaths<sup>7</sup>. The published report for the selected urban areas accounts for 31 410 deaths. Thus about 100 000 residual deaths "are not categorically divided in urban or rural areas or cause of deaths" according to the Bantu Reference Bureau (Personal Communication). At least 50 000 deaths among Blacks were not registered. These occur mainly in the rural areas. It is estimated that about 10% of the deaths in the main urban districts are not registered for Blacks.

CT 9/6/81  
340 174 206

# 'Disqualified' women to get temporary homes

Chief Reporter

MORE than 50 "disqualified" women who had been living at Crossroads and who returned to the Cape Peninsula recently after being repatriated to Transkei and Ciskei, are to be given temporary accommodation at KTC, Nyanga, while their cases are individually investigated by the Western Cape Administration Board.

This was stated yesterday by the Chief Commissioner for the Western Cape, Mr Timo Bezuidenhoud, at a meeting between himself and representatives of churches and other bodies.

Mr Bezuidenhoud said afterwards that the meeting had been amicable. The An-

glican, Roman Catholic and Presbyterian churches, the NG Sending Kerk and the Women's Movement for Peace were represented. Mrs Celeste Roberts, a social worker, was also present.

"These were further talks to those we had about two weeks ago.

"I repeated that the women in question could not remain in the Peninsula, but said I had agreed to a plan whereby the Administration Board will make temporary accommodation available at KTC, after which each case will be investigated individually."

Mr Bezuidenhoud said the church and other representatives had accepted the fact

that the women would be moved to KTC, but had asked that they be able to remain there with their families.

"I said I unfortunately could not accede to this request, but that I still hoped the problem could be solved amicably.

## Responsibility

"I said I have a responsibility to the legally employed blacks in the Peninsula.

"I also made it clear that I stood by what I have said, that men who were here illegally will have their position legalized in that they will be allowed to enter into 12-month contracts with their employers, to earn enough money to maintain their families."

Mr Bezuidenhoud said the repatriated women who had returned to the Peninsula would be moved to KTC within the next few weeks.

● Fifty-five women were repatriated to Transkei and Ciskei last month after being cautioned and discharged at the Langa Commissioner's Court on charges of being in the Peninsula for more than 72 hours without the necessary permits and/or for not having identity documents.

They were taken back to the homelands, with their children, in railway buses.



Table 5.1. Cost of promotion of ethical drugs (as a percentage of sales) compared with the cost of manufacturing and research and development, (S.A. 1973)

<u>Cost Component</u>	<u>Percent of Sales</u>
Promotion	25%
Manufacturing	33
Research and Development	6

The enormity of the promotional effort can be gauged from the description given by a U.S.A. doctor: "It would take two railroad mail cars, 110 mail trucks and 800 postmen to deliver the daily load of drug circulars and samples to doctors if mailed to a single city. Then, after being delivered, it would take 25 trash trucks to haul it away to be burned on a dump pile whose blaze would be seen for 50 miles around."<sup>(4)</sup>

A study of the mail received by South African doctors shows that it is probably comparable to the amount received by doctors abroad. Diagram 5.2 illustrates this.<sup>(5)</sup>

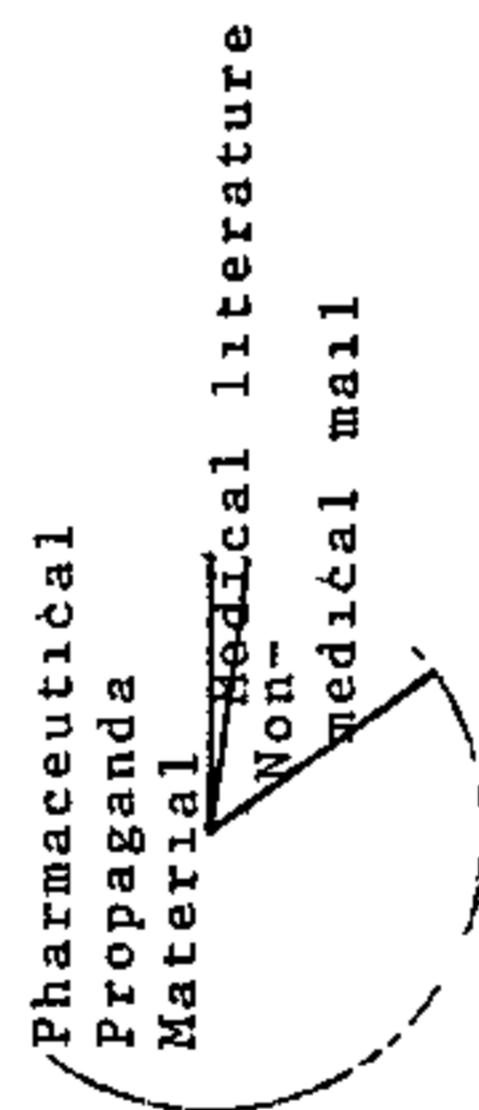


Diagram 5.2. Analysis of mail items received by S.A. doctors

(3.2) The Role of Promotion'

The large amount of promotion is said of the industry to play several positive roles. Among these are the ability of promotion, by increasing sales volumes, to allow unit prices to be reduced as a result of economies of scale being realised, and the encouragement of price-sensitivity by drug sales representatives (detail men).

In addition the rapid pace of technological change necessitates a great amount of information dissemination. The drug firms provide readable information necessary for the doctor to practice effectively. "Medical thinking tends to be ruggedly individualistic. The Pharmaceutical Industry serves as an influential instrument in orientating that individualism to an accommodation of the world's thinking so that the public gets the fullest advantage of the most important discoveries."<sup>(6)</sup>

However, the critics take issue with these arguments put forward by the industry.

... result from economies of scale are not

CT 10/6/81  
**Pass law fines for 30 women**  
 Staff Reporter

MORE than 30 women were fined R60 (or 60 days) at the Langa Commissioner's Court yesterday for being in Cape Town illegally

The cases passed quickly through the court, with most of the women pleading guilty

Rose Konana, whose six-month-old baby was strapped to her back, was fined R60 (or 60 days) by the commissioner, Mr L Fourie

She had pleaded guilty, in terms of Section 10 (1)(4) of the Urban Areas Act to the charge of being in Cape Town illegally She had nothing to say in mitigation

The other cases followed much the same pattern

"I plead guilty I have nothing to say," said Regina Mafadi who was arrested at Crossroads

In addition to the fine of R60 (or 60 days), she was fined a further R10 (or 10 days) for not being in possession of travel documents

"I plead guilty I have nothing to say," said Sophie Mzenjana She was fined R60 (or 60 days)

Mr J G Fourie prosecuted None of the women was represented

is to increase brand loyalty and is really an investment in price insensitivity. The fact that promotion of drugs embraces very little copy that stresses prices is an indication that the industry benefits more by not encouraging price-sensitivity.<sup>(8)</sup>

The main attack of the critics centres on the role of information dissemination. Although it is conceded that doctors do need to be given large amounts of information, the sheer magnitude of the promotion by the industry causes distortions. The overconsumption of drugs and the increasing resistance of bacteria due to the injudicious use of antibiotics has become a major problem. Promotion boosts the sale of drugs and biases medical treatment towards drug-dependent curative medicine.

ST 10/6/81  
206  
PAB  
chief  
asks for  
chance

Chief Reporter

THE Department of Co-operation and Development's Chief Commissioner for the Western Cape, Mr Timo Bezuidenhoud, appealed yesterday to the families at Crossroads of "disqualified" women who were recently repatriated to the Transkei and Ciskei but who have returned, to give him a chance to solve their problem

"I say to these families Don't come to hasty decisions Don't be hard-headed and force me to use force I still maintain that we can solve this problem in a decent and humane way"

He was reacting to reports that the families concerned had rejected his plan to move the more than 50 "disqualified" women to temporary accommodation at KTC, near Nyanga, while their cases were individually investigated

The families have said they want permanent residential rights before moving to any accommodation arranged for them

At a meeting on Monday between Mr Bezuidenhoud and church and other representatives, Mr Bezuidenhoud was asked that the women in question be allowed to be with their families when they were moved. Mr Bezuidenhoud said he unfortunately could not accede to this request but that he still hoped the problem could be solved amicably

He said he would do his "utmost" to solve the problem and believed there could be a solution

● The woman have said they do not want to return to their homelands because there is no work there, that there is starvation there and inadequate medical facilities



24P (31)  
206  
**TIA will meet tonight**

"THE plight of workers who are employed by backyard manufacturers and are arrested daily by local police," said the secretary of the Thembisa Industrial Association, Mr SM Namane, "is one of the crucial issues to be discussed at a meeting tonight at Tsepho Hall at 6 30 pm"

11/6/81  
Dressmakers, welders, panelbeaters, printers, mechanics, shoemakers, knitters and building constructors who fall under 'backyard workers' are all invited

# Former prosecutor's claims 'half truths', commission told

206  
Wm 12/16/61

Mercury Correspondent  
PRETORIA — A former prosecutor, who stalked out of the Pretoria Commissioner's Court last September, made allegations over the treatment of a pass law accused because he was politically motivated to do so, it was claimed yesterday.

Mr C N J Welman, former chief commissioner

here, described the allegations of Mr Adam Klein, the former prosecutor, as 'half truths' when he gave evidence before the Hoexter Commission of inquiry into the structure and functioning of the courts, yesterday.

At the same time, Mr Welman conceded under cross examination by members of the commission, that certain procedures in the Commissioner's Court and in the aid centres could be construed as 'being irregular'.

Mr Welman denied most of Mr Klein's claims and

he bluntly alleged that Mr Klein's evidence was false.

Mr Welman admitted there had been instances in the Commissioner's Courts where presiding officers had blundered. This was because of their inexperience, he said.

There was a case where one of the commissioners sentenced adults to corporal punishment. This was remedied after he was told that corporal punishment was reserved for youths.

Mr Welman told the commission of an instance where a certain commis-

sioner was appointed to the Bench on account of a forged B Juris certificate.

The man, a Mr R Harris, was subsequently convicted and sentenced, Mr Welman said. He was no longer a commissioner.

Mr Welman vehemently denied Mr Klein's claims that prosecutors in the Commissioner's Court were compelled to act according to instructions from the aid centres.

Under cross examination by the chairman of the commission, Mr Justice Hoexter, Mr Welman admitted that all cases in the

Commissioner's Court were postponed for three working days after an accused had been convicted.

This was done so that the accused's records could be studied before he was sentenced, he said.

It was also common practice that an accused who had been in custody and who had been acquitted in court, returned to the cells below the dock after his acquittal to receive his discharge forms, he said.

Under cross examination by Prof A J Middleton, one of the commissioners, Mr Welman admitted that in-

formation gleaned at the aid centres was given to Commissioner's Court prosecutors.

According to Mr Welman, blacks could not approach aid centres on their own. They had to be referred there by the Court or the police.

White officials of the Department of Co-operation and Development worked in the aid centres where they interrogated blacks, who had been referred to them, he said.

● See Editorial Opinion



# Pass case 'blunders' admitted

PRETORIA BUREAU

A FORMER prosecutor who stalked out of the Pretoria Commissioner's Court had made allegations over the treatment of people accused of pass law offences "because he was politically motivated to do so".

Mr C N J Welman, a former chief commissioner in Pretoria, yesterday described the allegations of the prosecutor, Mr Adam Klem, as "half truths" when he gave evidence before the Hoexter Commission of Inquiry into the Structure and Functioning of the courts.

Mr Welman admitted there had been in-

stances in courts where presiding officers had blundered because of inexperience.

Under cross-examination by one of the commissioners, Mr Welman admitted information gleaned at aid centres was given to prosecutors at commissioners courts.

But he denied Mr Klem's claim that the information was studied by the presiding officer before the case.

The commissioner said much of the information on the form which had to be filled in could seriously incriminate an accused if it was sent to the court.

700  
Klem 12/11/81

(15)

the course of action that it follows, may be very different from the dominant interest groups in the wider community. It has even been argued that bureaucracies develop their own dynamic and that consequently decisions taken in the public sector are more likely to reflect the preferences of the bureaucrats, than those of society as a whole or even those of the electorate (16).

In the health field medical personnel have been singled out as being frequently guilty of pushing through their own preferences by failing to provide the lay members of the bureaucratic decision group with sufficient information. As a result of this process, modern, highly technical hospitals that satisfy the ego's and the research requirements of a particular section of the medical fraternity may be built when perhaps from the community's viewpoint a better strategy would be the provision of large scale coverage by mobile medical clinics. Research into the consistency of medical decisions has yielded nothing but the undeniable fact that there is no consistency (17). It has even been argued that an expansion of hospital beds is itself sufficient to increase the number of patient days spent in hospital (18). Large quantities of resources are often allocated by health planners for the treatment of relatively esoteric diseases as a result of pressure from a group of interested professionals (19). The influence of the medical profession on the allocation of resources is not a problem that relates to the provision of public sector health alone, the diseases treated in private hospitals may also reflect the doctor's preferences regarding the mix of the cases

- (16) Duncan K. Foley. State Expenditure from a Marxist Perspective. Journal of Public Economics, Vol. 9, No. 2, April 1978, p. 221-238.
- (17) The lack of consistency in medical decision making is well argued and documented in Michael H. Cooper, Rationing Health Care, Croom Helm, London 1975, Chapter 6.
- (18) Milton I. Roemer, 'Bed Supply and Hospital Utilization. A Natural Experiment', Hospitals 35 No. 21, Nov. 1961, pp. 36-42.
- (19) The arguments advanced in M.F. Drummond, 'Sharing Resources for Health; England - The Case of Teaching Hospitals', in A.J. Culyer and K.G. Wright, Economic Aspects of Health Services, Martin Robertson, London, 1978, pp. 141-154 are also relevant here.

(16)

treated rather than the incidence of the diseases in the community as a whole (20).

#### THE PROBLEMS - AN OVERVIEW.

In summary the problems that have been discussed in this paper stem from three sources.

1. The shortcomings of the market mechanism.
2. The existence of competing and conflicting objectives in the

By JOUBERT MALHERBE  
Pretoria Bureau

BLACKS could be made to wear discs around their necks instead of having to carry passes, a member of the Hoexter Commission of Inquiry into the Structure and Functioning of the Courts, said in Pretoria yesterday

Professor A J Middleton, the commissioner, made the suggestion while cross-examining a witness, Mr F J Fourie, a former chief of the legal aid centre for blacks in Pretoria, who had criticised police treatment of pass law offenders

Prof Middleton asked Mr Fourie whether it was not unfair to expect blacks to carry their reference books at all times

He suggested it would be much easier if blacks were issued with a disc which they could wear around their necks to prove they were entitled to be in the urban area

Mr Fourie said he thought it was an "excellent" idea

He said his hair sometimes stood on end when he heard of the way pass law offenders were treated by the police

He suggested police be compelled to study a course in

anthropology so they could fully understand the importance of forging good relations between all races in South Africa

The way in which the influx control regulations were implemented had long been a source of bitterness in the black community and the time had come that a solution had to be found

The new solution could only work if blacks and whites could reach consensus over how the new measures were to be implemented

It was unforgiveable that young policemen were permitted to act in a blatantly reckless way when dealing with pass law offenders. Their actions were often condoned by senior policemen, Mr Fourie said

He stressed the importance of avoiding the prosecution and imprisonment of pass law offenders because prisons could not accommodate any more prisoners - they were already over occupied by 300%

This was where the aid centres played an invaluable role, he said. Cases which did not warrant prosecution could be dealt with administratively in the aid centres

Mr Fourie will continue his evidence on Tuesday

# Pass tags better than pass books, commission told

13/6/81

- (20) For medical examples of this type of syndrome see the research reported in S. Lichtner and M. Pjtanz, 'Appendectomy in the Federal Republic of Germany. Epidemiology and Medical Care Problems', Medical Care IX 311, 1971.
- Arrow argues even more strongly that the financial incentive that is present in the private hospitals encourages doctors to hospitalise unnecessarily. Kenneth J. Arrow op cit.



# Wrab denies Black Sash claim

By STEVEN FRIEDMAN  
Labour Reporter

WEST Rand Administration Board officials are telling black workers that they can no longer gain the right to live and work permanently in the cities if they hail from Transkei, the Black Sash claims.

But a spokesman for Wrab's directorate of labour said it was not his board's policy to deny Transkeians rights they would otherwise be entitled to and that no instructions had been received from Pretoria to this effect.

A representative of the Black Sash advice office said this week that the office had handled several cases in which workers had approached Wrab to apply for residence rights under Section 10 of the Black Urban Areas Act but had been told by officials that Transkeians were no longer granted these rights.

This was particularly applied to workers who sought Section 10(1)(b) rights on the basis that they had lived and worked continuously in a city for one employer for 10 years or several employers for 15 years, she added.

"The officials make no attempt to find out whether these workers may qualify for these rights. They simply tell them that Transkeians as a group are no longer entitled to them."

The advice office representative said that, if it was not Wrab policy to automatically deny rights to Transkeians, "then this must be made clear to the officials."

"We suspect this is just another attempt by officials to avoid having to discuss requests for rights on merit."

The Wrab spokesman pointed to existing regulations which state that contract workers, who had begun working in the cities since 1967, would generally not be granted Section 10(1)(b) rights because their annual work contracts were deemed to have been broken whenever they expired.

But he insisted that this regulation was not applied differently to Transkeians or workers from "independent" homelands.

In terms of agreements between Pretoria and the Transkeian government, Transkeians were often treated "more leniently", he said. "For example, Transkeians can work in the cities on three-year, rather than one- or two-year contracts," he said.

# Neck discs passes' for blacks suggested

**Own Correspondent** — Blacks could be made to wear discs around their necks instead of having to carry passes, a commissioner of the Hoexter Commission of Inquiry into the structure and functioning of the courts suggested in Pretoria on Friday.

The commissioner, Professor A J Middleton, was cross-examining a witness, Mr F J Fourie, a former chief of the Legal Aid Centre for blacks in Pretoria who had criticised police treatment of pass law offenders.

Professor Middleton asked Mr Fourie whether it was not unfair to expect blacks to carry their reference books at all times, including when they were doing manual labour.

He suggested that it would be much easier if blacks were issued with a disc which they could wear around their necks to prove that they were entitled to be in the urban area.

Mr Fourie said he thought it was an "excellent" idea. He said that his hair sometimes stood on end when he

The way in which the influx control regulations were implemented had long been heard of the way pass law offenders were treated by the police.

He suggested that police be compelled to study a course in anthropology so that they could fully understand the importance of forging good relations between people of all races in South Africa.

He had encountered many instances of pass arrests done in a "robust" manner and this disturbed him greatly, he said.

a source of bitterness in the black community and the time had come for a solution to be found.

The solution could only work if blacks and whites reached consensus over how the new measures were to be implemented.

It was unforgivable that young policemen were permitted to act in a blatantly reckless way when dealing with pass law offenders.

Mr Fourie said that their actions were often condoned by senior policemen.

He stressed the importance of avoiding the prosecution and imprisonment of pass law offenders as far as possible because the prisons could not accommodate any more prisoners.

This was where the aid centres played an invaluable role, he said. Cases which did not warrant prosecution could be dealt with administratively in the aid centres, he said.

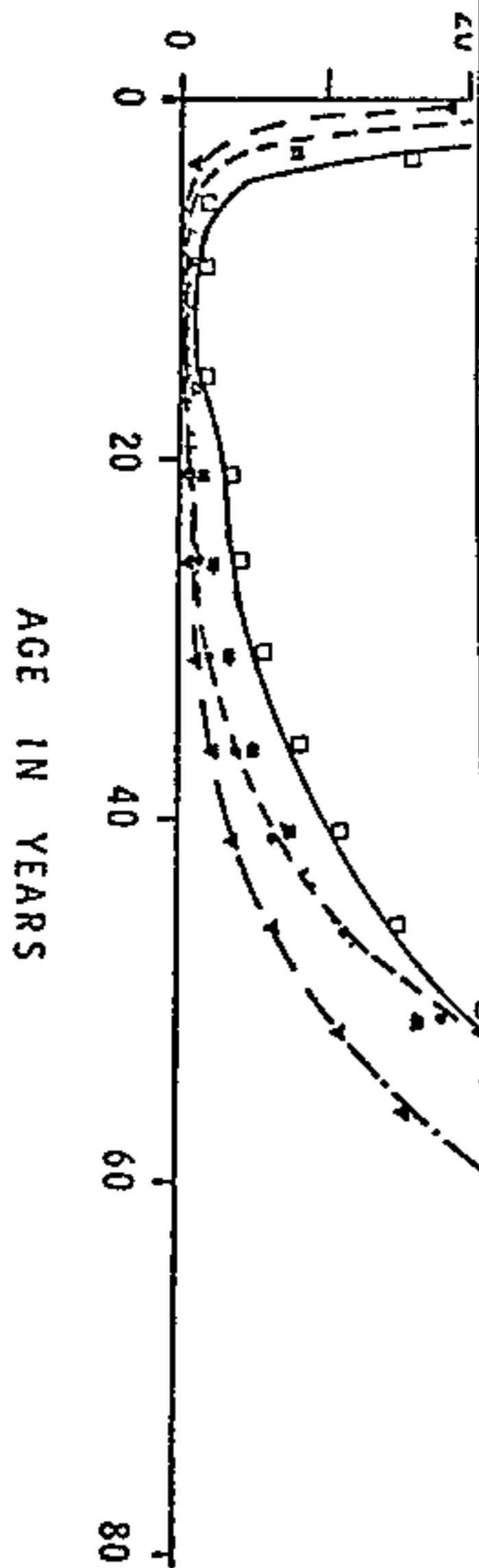
Prisons were already over-occupied by 300 percent, Mr Fourie said.

Mr Fourie will continue his evidence tomorrow.



# Call to enlist black staff in influx control

job  
room  
17/6/61



## Pretoria Bureau

A WITNESS told the Hoexter Commission yesterday that influx control could become redundant in the future — and in the meantime blacks should be involved in the formulation and implementation of influx control.

Mr F J Fourie, a former director of the aid centre at the Commissioner's Court in Pretoria, said black clerks and prosecutors should be employed in the commissioner's courts.

He claimed blacks generally accepted "the necessity" of influx control measures, and said it was the way they were implemented that caused bitterness in the black community.

Mr Fourie dismissed claims

about irregularities at the aid centre made by Mr Adam Klein, a former Commissioner's Court prosecutor. He said he was "chilled" when he heard suggestions that aid centres be abolished.

In evidence before the commission last week, Mr Klein said detainees were interrogated at the aid centre by officials of the Department of Co-operation and Development.

He alleged that the rights of an accused were never explained to him and that this was a major irregularity.

Mr Fourie said it would not be irregular if information gleaned from a detainee at an aid centre was passed on to the prosecutor in the Commissioner's Court to be used as evidence against the accused.

Under cross-examination by a commissioner, Mr J C Ferreira, Mr Fourie said the SA Police form which was filled in at the aid centre was used as evidence against the accused.

Professor A J Middleton, another commissioner, remarked that not only was the aid centre's finding noted on the SAP form — the statement of the policeman who made the pass arrest was also filled in.

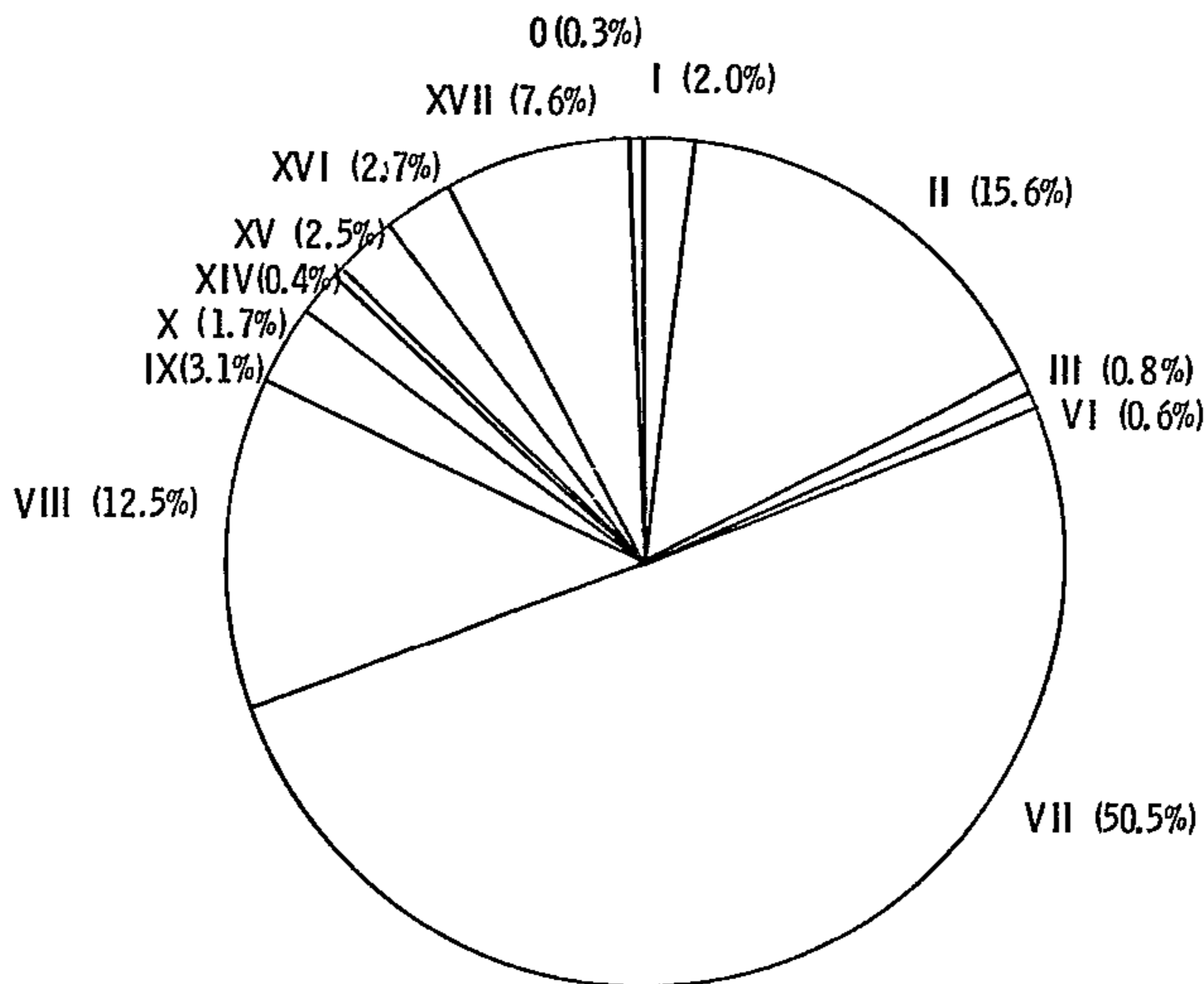
He said it was irregular that the allegations of a police officer could be used as evidence.

Mr Fourie also proposed that aid centre functions be extended to rural areas, and that sub-commissioners' courts be introduced in black residential areas to substitute for the makgotla.

- 34 -

Fig. 5 (a)

## PROPORTIONAL MORTALITY WHITE



# Blacks angry at neckdisc pass suggestion

~~2/2~~  
~~2/2~~  
Job  
S. Fourie  
14/1/81

Tribune Reporter

BLACK leaders have reacted with anger to a suggestion by a Hoexter Commission member, Professor A. J. Middleton, that blacks be made to wear discs around their necks instead of having to carry passes.

Bishop Desmond Tutu, secretary-general of the South African Council of Churches, described the suggestion — reported in daily newspapers yesterday — as insensitive and said blacks would be made to feel like dogs with collars around their necks if the measure were implemented.

According to reports, Prof Middleton made the suggestion in Pretoria on Friday while cross-examining a witness. Mr F. J. Fourie, a former chief of the legal aid centre for blacks in Pretoria. The

Hoexter Commission is investigating the structure and functioning of courts.

Mr Fourie said he thought the suggestion was an "excellent" idea.

Prof Middleton refused to comment yesterday, saying the reports were "misleading".

"I would suggest you obtain a copy of the transcript of what I said at the hearing. I am not prepared to engage in a debate with the Press," he said.

But according to reports, Prof Middleton suggested it would be much easier if blacks were issued with a disc which they could wear around their necks to prove they were entitled to be in the urban area.

Mr Fourie said at the hearing his hair some-

times stood on end when he heard of the way pass law offenders were treated by police.

He suggested police be compelled to study a course in anthropology so they could fully understand the importance of forging good race relations in South Africa.

Bishop Tutu said yesterday he was shocked at what he described as the insensitivity of Prof Middleton.

"He's unbelievable," he said. "If Prof Middleton's suggestion is implemented, we will be made to feel like dogs with collars around our necks."

"The basic issue is to scrap the pass laws. Nothing else will satisfy blacks."

He equated Prof Middleton's suggestion to the time

in Nazi Germany when Jews were forced to use armbands to identify themselves.

Dr Nthato Motlana, chairman of the Soweto Committee of 10, said he was horrified when he read the reports.

"It's monstrous. I can't imagine blacks using discs around their necks in 1981. It would have been possible when blacks were slaves in America," he said.

He also said the only solution was to abolish the pass laws. Any attempts to "humanise" the offensive laws would only worsen the situation.

"If Mr Fourie went along with the disc idea, I can only imagine what kind of assistance he had been giving blacks at his legal aid centre in Pretoria," he said.



# Influx laws: call to help offenders keep out of court

Star 17/6/81

206 25/8

2. con

(1)

(2)

## Own Correspondent

People arrested under the influx control and identity document laws should be kept out of court and out of jail, the Hoexter Commission was told yesterday.

SCHEDULED ABOVE WAS

(3) Calculate the average years, and the output

(4) Construct a schedule for each of the output the gross value of the gross value. Plot the curve. (It will be

(5) From the demand curve on the market in order. From these amounts it would have to buy or

(6) Draw up a schedule to buy or sell in each the government have to buy over the stabilization of the

The area manager for the administration board in Brits, Mr F J Fourie, said aid centres could help many people administratively without having them sent to court first.

This should be the most important function of aid centres, said Mr Fourie, who was previously manager of Pretoria's aid centre.

Judicial action should be taken only in extreme cases and solutions should be found before packing people off to court.

Mr Fourie suggested aid centres could play an important role by helping people to get their documents in order.

Influx control was important and he had never encountered a black man who objected to this. But there was a lot of bitterness and opposition to the way control was enforced, he said.

Blacks should also be allowed to help find an acceptable solution to influx control problems.

preferably using

years the annual 80, 60, 50, 40, and tabulate the of the demand curve he ten years.

drop over the ten of this value.

to be received in order to make the average annual as the demand

must be offered ered in part (4). ch the government

it would have to of part (2). Would the amount it would mean that possible?

NM 1966/1  
206

# 'Blacks could never accept pass system,' says Chief Buthelezi

## Mercury Reporter

THE pass system, whether approved through carrying papers or wearing discs, could never be acceptable to blacks, Chief Gatsha Buthelezi said yesterday

Chief Buthelezi, Chief Minister of KwaZulu, was reacting to statements made at a hearing of the Hoexter Commission of Inquiry into the structure and functioning of the courts, that blacks should wear discs around their necks to prove they were entitled to be in an area

Chief Buthelezi said it was gratifying to hear a white man such as Mr F J Fourie, a former chief of the legal aid centre for

blacks in Pretoria, speaking so strongly and sensitively about the sufferings and humiliations blacks suffered as a result of unjust control regulations, and the way the police treated blacks

'One, however cannot understand the insensitivity when it comes to the proposal on the wearing of discs around the neck by blacks,' he said

At a hearing last week Mr Fourie was cross-examined by Prof A J Middleton about the possibility of blacks wearing discs around their necks

Mr Fourie had responded that he thought it was an excellent idea



Methods of economic analysis generate questions which may at present be unanswered; the techniques may be inapplicable due to lack of data. Thus the approach of health economics which stimulates the collection of information in the form required for policy making, and which seeks to define the real nature of health problems, may be a more valuable contribution than specific techniques, at this stage in the history of the health systems of Southern Africa.

## INDICATORS OF HEALTH STATUS

# Fines or jail for illegal presence

MORE than 80 pass law and township regulation cases, heard at the rate of about one every two minutes, came before the Langa Commissioners' Court yesterday

Fines totalling R2 225 (or 2 225 days) were imposed on about 50 people convicted.

Charges against many of the accused, including a deaf and dumb woman, were withdrawn on the recommendation of the Langa Aid Centre

## BABIES

The majority of the accused were women, many of whom carried small babies on their backs or had little children with them. None of the 80 accused had legal representation

The cases were heard in two sessions by Mr L Fourie and Mr L van Wyk

Mrs Alica Mbulawa was cautioned and discharged for being in the area illegally for more than 72 hours

She told the magistrate, Mr L van Wyk, that her children were sick in the

homelands and she had borrowed money to come to the Cape to fetch money from her husband

A fine of R70 (or 70 days) imposed on Mrs N Mtsntsilana, 36, was suspended on condition that she either got permission to have her child treated in the Cape or she left the area. She told the court that her permission to stay in the Cape for medical reasons had expired last year

She was refused further permission to stay here because her child was discharged from hospital. The child suffered from asthma and she had returned to the Cape to have her treated

## CAUTIONED

Mrs Mavis Matanzima was cautioned and discharged for being in the area illegally. She produced a certificate from

the Princess Alice Orthopaedic Hospital requesting that she be given permission to stay in the area for six months for treatment.

Mr van Wyk referred her to the Aid Centre to see whether she could be helped to obtain documents to stay in the area

The bulk of the charges were for contravening influx control regulations by being in the area illegally for more than 72 hours and for not producing documents on demand

Nearly all the accused pleaded guilty to the charges and said they had nothing to say

Three people were fined R20 or 20 days under Township Regulations for erecting structures without the permission of the Administration

Two people were fined R10 each on the same charge

impact of health impairment on individuals.

a) Length of life: this can be measured by:

Crude mortality: but this reflects the age structure of the population as well as the mortality experience of each age group.

Adjusted mortality: a standard age and sex distribution is used to weight a set of age-specific mortality

various views, two things are apparent, firstly, that the solution does in fact lie in some form of state intervention into the market mechanism and secondly that in view of the difficulties of establishing and ranking objectives and those of communication, such intervention is unlikely to succeed in improving the situation unless the problems arising from the other two sources are also overcome. Accurate information is obviously crucially important if one wishes to determine how the state should influence the market in order to improve the overall allocation of resources from the social viewpoint (21).

Overcoming Difficulties Resulting from Conflicting Objectives and Inter

The growing literature on the economic theory of club formation suggests that the decentralisation of decision making, to the point where there is a reasonable consensus on objectives within the decentralised area, would do a great deal to overcome the problems that arise as a result of the presence of conflicting interests (22). An alternative proposal that has been made is that of the possibility of the introduction of a system of multiple voting, which it is argued would enable an individual not only to register the direction of his preference, but also the strength of that preference (23). This process may enable a government to order its overall objectives in a much stricter manner and even perhaps to obtain a reasonable surrogate for the weights that should be placed on each goal in terms of their relative importance. Once again, the limits within which either of these proposals will be likely to produce an articulation and ranking of social goals that is in any sense optimal will ultimately be determined by the quality of the relevant information that is obtained and processed.

- (21) If this is not achieved then one has a classic example of the workings of the theory of second best.
- (22) James A. Buchanan, 'An Economic Theory of Clubs', *Economica*, Vol. 32 Feb. 1965, pp. 1-14 and Martin McGuire, 'Group Segregation and Optimal Jurisdictions', *Journal of Political Economy*, Vol. 82, No. 1, Jan/Feb 1974, pp. 112-131.

Overcoming Communication Problems

Basically the major problems in this area stem either from the fact that the costs and benefits that are attached to or action

# Fines or jail for illegal presence

10/11/81  
arveys  
206  
Set

MORE than 80 pass law and township regulation cases, heard at the rate of about one every two minutes, came before the Langa Commissioners' Court yesterday. Fines totalling R2 225 (or 2 225 days) were imposed on about 50 people convicted.

Charges against many of the accused, including a deaf and dumb woman, were withdrawn on the recommendation of the Langa Aid Centre

**BABIES**

The majority of the accused were women, many of whom carried small babies on their backs or had little children with them. None of the 80 accused had legal representation

The cases were heard in two sessions by Mr L Fourie and Mr L van Wyk. Mrs Alica Mbulawa was cautioned and discharged for being in the area illegally for more than 72 hours

She told the magistrate, Mr L van Wyk, that her children were sick in the

homelands and she had borrowed money to come to the Cape to fetch money from her husband

A fine of R70 (or 70 days) imposed on Mrs N Mtsntsilana, 36, was suspended on condition that she either got permission to have her child treated in the Cape or she left the area. She told the court that her permission to stay in the Cape for medical reasons had expired last year

She was refused further permission to stay here because her child was discharged from hospital. The child suffered from asthma and she had returned to the Cape to have her treated.

**CAUTIONED**

Mrs Mavis Matanzima was cautioned and discharged for being in the area illegally. She produced a certificate from

the Princess Alice Orthopaedic Hospital requesting that she be given permission to stay in the area for six months for treatment.

Mr van Wyk referred her to the Aid Centre to see whether she could be helped to obtain documents to stay in the area

The bulk of the charges were for contravening influx control regulations by being in the area illegally for more than 72 hours and for not producing documents on demand

Nearly all the accused pleaded guilty to the charges and said they had nothing to say.

Three people were fined R20 or 20 days under Township Regulations for erecting structures without the permission of the Administration.

Two people were fined R10 each on the same charge.



**THE SOUTH African Medical Students' Association**, at a recent meeting, condemned the deportation of 'illegal' black women from Cape Town to Transkei and called for an immediate repeal of laws curtailing the rights of individuals to live and seek employment in the areas of their choice.

The motion was carried by four votes to one with Stellenbosch noting 'the destruction of family unity which arises from such governmental action and

AMMs 22/6/81 (246) 206 (241)

# 'Deportations' - call to repeal law

the tremendous suffering inflicted on these women and their families'

Such laws were criticised as 'wholly cruel, inhumane and incompatible with family stability'

The students also condemned the 'flagrant misdirection of Government funds' relating to an estimated R3 000 000 spent

on the Republic Day festivities

Noting 'the appalling statistics of malnutrition and related disease in South Africa,' it was felt to be normally wrong to allocate such large amounts of Government funds to causes of limited appeal

The meeting also unanimously condemned the re-

cent R30 000 sponsorship of the South African Rugby Board by the Dairy Board.

'Milk and related products, as subsistence foodstuffs, required no commercial advertisement and any funds available by the Dairy Board should be directed towards subsidising the price of dairy

foods,' a statement released by the association read

● The South African Medical Students Association is affiliated to the Medical Association of South Africa and represents medical students at the universities of Cape Town, Stellenbosch, Pretoria, Bloemfontein and the Witwatersrand.

SALDRU/SAMST

CONFERENCE ON THE ECONOMICS OF HEALTH CARE IN

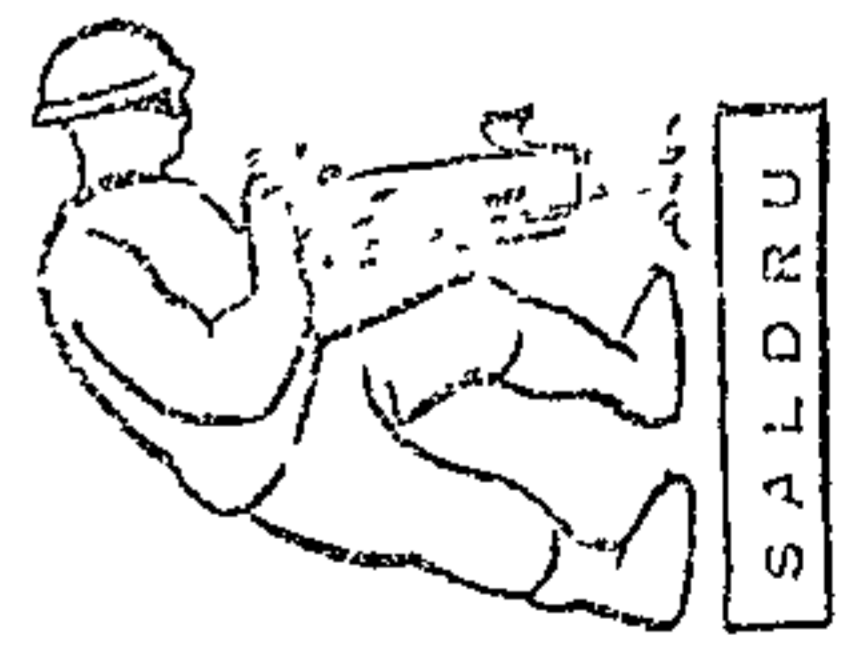
SEPTEMBER 1978

THE COST EFFECTIVENESS OF INTENSIVE,  
SHORT-COURSE AMBULATORY CHEMOTHERAPY FOR  
TREATMENT OF PULMONARY TUBERCULOSIS

by

DR J.O. PEARSON

Paper No. 29



Mr SANDILE MANI, who emerged out of the Hankey area for what now appears to be a "misunderstanding", flanked by his sister, Miss WILKINSON MANI, and his mother, Mrs ELIZABETH MANI.

# Influx laws won't allow him to live with ageing mother

BY BRIAN POTTINGER  
Political Correspondent

A Port Elizabeth-born man has been refused permission to live near his ageing and widowed mother in Walmer Township — because he has been classed "farm labour" by the country's influx legislation.

Despite two appeals to the East Cape Administration Board, Mr Sandile Mani, 24, says he has been told by officials that he must return to Hankey, the area in which he attended school.

And, according to Mr Mani, the Hankey Administration Board officials have told him he belongs in Port Elizabeth.

Adding irony to Mr Mani's plight is the fact that only days ago the chairman of the Port Elizabeth Community Council, Mr Wilkinson Maku, argued in the Supreme Court against a civil application to unseat him that a son had an inalienable right to live with his mother.

An East Cape Administration Board official has undertaken to investigate the case, as it appears Mr Mani was entitled to register in the Port Elizabeth area.

Mr Mani told the Evening Post that he was born in Korsten, Port Elizabeth, in 1957. When he was 14 his family moved to Kwazakele and his parents sent him to live with relatives in the Hankey district.

After leaving school Mr Mani went into the bush for the traditional Xhosa initiation ceremonies into manhood. This year, because of his mother's advancing age and the lack of work in Hankey, he decided to come and live in Walmer, where his mother is a registered home owner.

That was before the bu-

## Harsh laws which divide families

Political Correspondent

THE Department of Co-operation and Development last year apparently sent a circular to all administration boards informing them that where children of over 21 from rural areas sought to live with their parents in urban areas permission should be refused.

Mr W Maku, chairman of the Port Elizabeth Community Council, said the circular had made it much more difficult in cases where children from rural areas wished to live with their parents.

He said blacks were not given the rights and privileges which were accorded to families of other race groups and that, when it came to pass laws, it was extremely difficult for community councillors to comment because the labour bureaux were not under the jurisdiction of the councils.

"The only thing that does concern us greatly is that when there is a change in the policy it is not by law but simply by departmental circular," he said.

reucracy took a hand

In May, Mr Mani says he was informed by administration board officials that he could not register for residence and work in the Port Elizabeth area and would have to go back to Hankey.

Once back in Hankey, says Mr Mani, he was told he would have to return to Port Elizabeth because that was where he was born.

A second appeal to the ECAB officials in Port Elizabeth failed, and Mr Mani was faced with the prospect of perpetual separation from his mother who had already made arrangements for him to stay with one of his sisters in the Walmer location.

Making the issue even more complicated is the fact that his two sisters, who also went to live for some time in the

Hankey area, were allowed permits to reside in the urban area when they returned in 1977.

"How can they separate a mother and a child like this?" asked 67-year-old Mrs Elizabeth Mani, Mr Mani's mother.

"I am told that my son cannot live with me now because he is a man. But if anything happens to him when he is living in Hankey then they will immediately come to me and say he is my responsibility."

Mrs Sandile said she could not see how the authorities could act in such a way — "especially with all this talk about equal rights."

But a senior official at the East Cape Administration Board offices in Port Elizabeth said yesterday he believed Mr Mani might have "put his case badly."

He said under normal circumstances if somebody went out of the area for schooling purposes he would not disqualify himself from residential rights. If he remained for any other reason, however, he was disqualified.

But, the official said, the whole of the Hankey area was a "prescribed" area which meant that according to recent amendments to the influx legislation Mr Mani should be entitled to register in the Port Elizabeth urban area.

He promised to look into the matter.

Earlier this week the chairman of the Port Elizabeth Community Council, Mr Wilkinson Maku, opposing an application by a dissident group of community councillors to unseat him because he did not own a property and merely lived with his mother, claimed through his legal defence that it was a fundamental right of families to live together.

Mr Maku told the Evening Post he believed there had been a "misunderstanding" in Mr Mani's case. He would be prepared to help him put his case to the administration board.

A Black Sash spokesman in Port Elizabeth described the incident as iniquitous.

"It would appear that in this case the board is prepared to do something to rectify the matter. But what about the thousands of people who do not go to the Press, or seek outside help and have been endorsed out?" the spokesman asked.

"It seems that although the laws are changed by those above, the changes are not carried through to the officials who administer them."



By Margaret Floyd  
West Rand Bureau

# Rates: aid needed but it may mean more control

804 24/6/81  
206

The municipal rate burden will continue to climb unless some reprieve is received from the central Government and this could spell greater State control, said Mr Manu Mulder, chairman of the Roodoepoort Management Committee.

He was presenting the city's record R64.4-million 1981/82 budget last night. Mr Mulder announced higher residential property rates and increases in sewage and refuse removal, and ambulance tariffs from July. He said the increases were unavoidable.

In view of the large valuation of non-residential property it was decided the assessment rate of 6.5 cents in the rand should remain unchanged but the householders' rebate should be cut from 30 percent to 25 percent.

This meant that residential rates would be increased from 4.55c/r to 4.875c/r. Mr Mulder added that the city council had applied to the administrator for a system of rebate for old aged pensioners.

"We know our proposal is unpopular but we hope that during this year we will be able to provide some relief for elderly homeowners." Mr Mulder announced that electricity had risen by 15 percent since July last year and water cost consumers 6 percent more since April this year.

As a result of inflation, cost increases and improvements, sewerage fees would rise from R6.25 to R8.90 and refuse removal fees from R1.80 to R2.50 monthly within the next three months. Ambulance fees would be doubled to R10. Mr Mulder announced a R15.7-million capital programme, which was R7.3-million more than last year.

Of this R2.9-million had been provided to double the Main Reef Road which was being subsidised by the province and Jomet it should be completed by 1984 at a total cost of R5-million.

The electricity programme totalled R3-million and included schemes in the northern and south-eastern areas. These would cost R2.2-million, which was necessary for development. An amount of R1.8-million had been voted for a new R4-million fire station.

which was sorely needed, he said. Mr Mulder said municipal staff would receive an overall salary increase of 14 percent. He called for higher efficiency and productivity from all municipal workers. He added that the municipal rate burden will continue to increase unless some reprieve is received from the central Government.

"There is a departmental committee working on it, on which local authorities have reasonable representation. I must some minimal relief which eventually accrue to local authorities," said Mr Mulder. But he warned that State subsidies might mean greater State control and this was not desirable.

## West Rand city gets special ambulance

West Rand Bureau Roodoepoort has become the only municipality west of Johannesburg to own a paramedic ambulance.

The mayor, Mr D B Treleven, who took possession of the keys of the ambulance at a ceremony at the Civic Centre last night, said that patients would now receive better care in the intensive care unit on the way to hospital and lives would be saved. The new paramedic is equipped to cater for almost any emergency, including respiratory and cardiac failure, bleeding and shock.

The vehicle is modelled on ambulances operating in Europe and America and has room for two stretchers, ladders, and a leg trolley for patients. It has two-way radio equipment for communication with the control room and hospital. A substantial sum was saved by having the vehicle manufactured locally at a cost of R34 000.

Worker

By Post 24/6/87  
'endorsed'

out' by  
firm in

error

206

Post Reporter

A PORT Elizabeth construction firm unilaterally "endorsed out" one of its employees from the city — although the man was registered and qualified to be in the area.

The employee, Mr Fezile Colin Lali, worked for the firm, Mastercrete (Pty) Ltd, for 10 years but earlier this week left the employ of the company and was immediately offered another job.

When he returned to be signed off by Mastercrete, one of the company's employees wrote in Mr Lali's reference book that he had to be out of the prescribed area of Port Elizabeth within 24 hours.

An astonished Mr Lali — a father of five children — told the Evening Post that he had worked in Port Elizabeth for 10 years after arriving from Grahamstown.

He was the registered occupier of a site in Zwide and was a registered workseeker in Port Elizabeth.

An East Cape Administration Board official confirmed that Mr Lali was in fact entitled to be in the urban area and that there was no question that he would have to return to Grahamstown.

Mr Joe da Silva, manager of Mastercrete, described the action of his employee as a "genuine misunderstanding".

He said his company had brought Mr Lali from Grahamstown as a contract labourer many years ago and had been responsible for registering him in the Port Elizabeth area.

The company — unaware that he had qualified for residence in Port Elizabeth — believed that it was obliged to ensure that he left the urban area 24 hours after termination of employment.

Mr Da Silva said he had already been contacted by the East Cape Administration Board over the issue and explained why it had arisen.



still to be found.

The current level of sophistication in causal theories of problem drinking become apparent in the following statement:

"Causes of alcoholism are unknown Most probably the condition reflects a form of response to an interactive combination of physiological, psychological, and sociological

August 25/6/81

# Wailing woman dragged from court in Langa

206  
345

AN awaiting-trial prisoner yesterday burst into the Langa Commissioners Court screaming, 'Leave me alone'

She sat on a bench in the court and refused to move when ordered to by a policeman. At times, she called for a doctor.

Two policemen dragged her from the court and her screams could be heard coming from the cells for some time afterwards. Her case was postponed to Friday. She was referred to the District Surgeon and remanded in custody at Pollsmoor Prison.

Earlier, the wailing of a woman could be heard coming from the cells of the court.

A total of R970 (of 970 days) in fines was imposed on about 20 people convicted of being in the Cape illegally for more than 72 hours or for not producing identity documents.

The majority of the accused pleaded guilty to the charges and said they

had nothing to say in mitigation.

Some said they had come to Cape Town for medical reasons.

Mr Gilbert Mohane said he had come to the Cape as a contract labourer. He said he was fired from his job after three months and claimed he could not afford to travel back to Transkei.

The prosecutor, Mr D Mngomeni, said Mr Mohane's former employers claimed that he had absconded.

They said Mr Mohane wanted to be a clerk but they were unable to offer him a position because of his lack of qualifications. They had offered him a rail warrant back to Transkei but he had refused it.

Mr Mohane was fined R60 or 60 days for being in the area illegally for more than 72 hours and R10 or 10 days for not producing travel documents on demand.

The genetic-hypotheses range from very general - that is alcoholism is inherited in some part, in some unspecified way - to very specific hypotheses. The latter have customarily

12/ .....

postulated some form of enzyme deficiency usually related to the B group. These latter hypotheses have been supported by evidence from animal experiments.

Family studies have naturally formed the core of work designed to test genetic theories of alcoholism in humans, since if genes influence the condition then those who have part of their hereditary material in common with known alcoholics should be more likely to suffer from the condition. On the basis of extensive and detailed studies of the family histories of several large samples of alcoholics from the Swedish population (Amârk, 1974, p. 31), a clear familial component in alcoholism is suggested. The major criticism against this and other similar studies and hypotheses is that these findings may as easily be explained by shared cultural and environmental factors as by shared genes.

A way of attempting to separate the genetic and environmental variables in the development of alcoholism, has been to study adopted children, since an adopted child shares the environment of the adopted parents, but not the genetic lineage. A persisting resemblance of a child to its biological parents may then be taken to suggest genetic factors.

In a recent study (Goodwin, 1976, p. 52) using this methodological design, it was found that significantly more adopted men whose biological parents were alcoholics, were alcoholics, than the matched control group of adoptees.

This and similar significant results, has compelled researchers to seriously reconsider the genetic contribution to

13/ .....

ARCHITECTURE  
(Continued)

Mrs. Thornton White Prize  
For the best work in the first year.

Miss M F J Sandilan

S A Brick Association  
For the student who made the best use of bricks in design work.

J G Kirkman

R Stubbs Award  
For the best project in structure and design

M R I Ness

National Development  
for the Building  
Book Prizes

For the best student of the year of study of the course.

First Year

J A L Chapman

Second Year

C S Jones

Third Year

B de Jong

Fourth Year

R W Kohne

George Strachan Prize  
For the best final year student of the department

R W Kohne

LTA Prize

For the best student obtaining a first class pass for a dissertation in Building Management.

S F Richardson

BUILDING

A Zimbabwean was convicted in the Johannesburg Regional Court yesterday of fraudulently obtaining reference books for himself and 11 others to work and reside in Johannesburg.

A former Railways policeman, Edward Masinga (34) of Dobsonville Soweto, was also found guilty of being in possession of suspected stolen property. He was sentenced to six months imprisonment on each of the 13 charges and will serve an effective jail term of six and a half years.

An intense investigation into a pass book ring, was launched by police last year after West Rand Administration Board officials discovered a man with a forged identity document. The investigating officer, Warrant Officer M C Marx, testified that Railway Police had been investigating reports of false affidavits being submitted to Wrab as far back as 1974.

On August 20 last year, a proximity alarm was set off by a car which had been tampered with. The car was found to be in the possession of a man who had been arrested on charges of possession, and was arrested. He pleaded not guilty to all charges.

The State alleged that he had abused his position at the New Canada police station and "fixed up" people with forged reference books. These false identity documents were sold to "illegals" for up to R200 each. Masinga had unlawfully accepted payments of more than R1 000 between May and September 1979. He admitted writing and submitting affidavits to Wrab, but claimed that the affidavits contained details provided by genuine applicants who made sworn statements in front of him.

The court rejected his version however, and he was found guilty. Police are to investigate how Masinga a foreigner, was able to become a member of the Railway Police.

R200 for forged reference books

529 3/7/81

206



<p>No 1404 3 Julie 1981</p> <p><b>PUBLIKASIES OF VOORWERPE</b></p> <p>Die Appèlraad oor Publikasies het kragtens artikel 13 (5) van die Wet op Publikasies, 1974 soos gewysig, beslis dat die ondergenoemde publikasie nie ongewens is nie en het die beslissing van 'n komitee bedoel in artikel 4 van genoemde Wet dat genoemde publikasies binne die bedoeling van artikel 47 (2) (a) van genoemde Wet ongewens is, tersyde gestel. Die ondergenoemde inskrywing ten opsigte van die publikasie word hierby geskrap.</p>	<p>No 1404 3 July 1981</p> <p><b>PUBLICATIONS OR OBJECTS</b></p> <p>The Publications Appeal Board in terms of section 13 (5) of the Publications Act, 1974, as amended, decided that the undermentioned publication is not undesirable and set aside the decision of a committee referred to in section 4 of the said Act that the said publication is undesirable within the meaning of section 47 (2) (a) of the said Act. The undermentioned entry in respect of the publication is hereby deleted.</p>		
<p>Inskrywing No Entry No</p>	<p>Publikasie of voorwerp Publication or object</p>	<p>Srywer of voortbringer Author or producer</p>	<p>Inskrywing geskrap Entry deleted</p>
<p>P81/1/120</p>	<p><i>Hunted</i></p>	<p>Jeremy Scott</p>	<p>In SK GG 7515, GK GN 664 van 27/3/81</p>

**KANTOOR VAN DIE EERSTE MINISTER**

No 1392 3 Julie 1981

**KENNISGEWING INGEVOLGE ARTIKEL 6A (9) VAN DIE WET OP FISIËSE BEPLANNING, 1967 (WET 88 VAN 1967) — VRYSTELLING VAN 'N GIDSPLAN VIR KIMBERLEY EN OMGEWING**

Kragtens die bevoegdheid my verleen by artikel 6A (9) van die Wet op Fisiese Beplanning, 1967 (Wet 88 van 1967), soos dit bestaan het voor die inwerkingtreding van die Wysigingswet op Omgewingsbeplanning, 1981 (Wet 51 van 1981), saamgelees met Goewermentskennisgewing 792 van 3 April 1981, maak ek, Jan Christiaan Heunis, Minister van Binnelandse Aangeleenthede, hierby bekend dat 'n gidsplan deur my goedgekeur is ten opsigte van die gebied omskryf in die Bylae van Kennisgewing 595 wat in die *Staatskoerant* van 23 Maart 1978 verskyn het.

Afskrifte van die dokument is vir insae beskikbaar in die kantore van die Tak Fisiese Beplanning van die Kantoer van die Eerste Minister (African Eagle Lifesentrum, Pretoria), die Direkteur van Plaaslike Bestuur van die Kaapse Provinsiale Administrasie, die Stadsklerk van Kimberley en die Sekretaris van die Afdelingsraad van Vaalrivier.

Geteken te Pretoria, op hede die 27ste dag van April 1981

J C HEUNIS, Minister van Binnelandse Aangeleenthede

**DEPARTEMENT VAN FINANSIES**

No 1394 3 Julie 1981

PLAASLIKE GEREGISTREERDE EFFEKTE, 8% PERSENT, 1996—SERTIFIKAAT 4471—R18 000, BINNELANDSE GEREGISTREERDE EFFEKTE, 8% PERSENT, 1981—SERTIFIKAAT 315—R24 200, BINNELANDSE GEREGISTREERDE EFFEKTE, 9% PERSENT, 1985—SERTIFIKAAT 268,311—R20 000, BINNELANDSE GEREGISTREERDE EFFEKTE, 10 PERSENT, 1991—SERTIFIKAAT 934—R9 300, BINNELANDSE GEREGISTREERDE EFFEKTE, 10% PERSENT, 200—SERTIFIKAAT 1292—R8 900

Aangesien daar by die Tesourie aansoek gedoen is om duplikate van bovermelde effektesertifikate wat verloor of verlé is, word bekendgemaak dat, tensy die oorspronklike sertifikate binne vier weke na die datum van publikasie van hierdie kennisgewing by hierdie kantoor ingelewer word, die verlangde duplikate uitgereik sal word.

**OFFICE OF THE PRIME MINISTER**

No 1392 3 July 1981

**NOTICE IN TERMS OF SECTION 6A (9) OF THE PHYSICAL PLANNING ACT, 1967 (ACT 88 OF 1967) — RELEASE OF A GUIDE PLAN FOR KIMBERLEY AND ENVIRONS**

Under the powers vested in me by section 6A (9) of the Physical Planning Act, 1967 (Act 88 of 1967), as it existed before the commencement of the Environment Planning Amendment Act, 1981 (Act 51 of 1981), read with Government Notice 792 of 3 April 1981, I, Jan Christiaan Heunis, Minister of Internal Affairs, hereby make known that a guide plan has been approved by me in respect of the area defined in the Schedule to Notice 595 published in the *Government Gazette* of 23 March 1978.

Copies of the document are available for inspection at the Offices of the Physical Planning Branch of the Office of the Prime Minister (African Eagle Life Centre, Pretoria) the Director of Local Government of the Cape Provincial Administration, the Town Clerk of Kimberley and the Secretary of the Divisional Council of Vaal River.

Signed at Pretoria, this 27th day of April 1981

J C HEUNIS Minister of Internal Affairs

**DEPARTMENT OF FINANCE**

No 1394 3 July 1981

LOCAL REGISTERED STOCK, 8½ PER CENT, 1996—CERTIFICATE 4471—R18 000. INTERNAL REGISTERED STOCK, 8% PER CENT, 1981—CERTIFICATE 315—R24 200. INTERNAL REGISTERED STOCK, 9% PER CENT, 1985—CERTIFICATE 268,311—R20 000. INTERNAL REGISTERED STOCK, 10 PER CENT, 1991—CERTIFICATE 934—R9 300. INTERNAL REGISTERED STOCK 10% PER CENT, 2000—CERTIFICATE 1292—R8 900

Application having been made to the Treasury for duplicates of the above-mentioned Stock Certificates the originals having been lost or mislaid, notice is hereby given that unless the original Stock Certificates are produced at this office within four weeks from the date of publication of this notice, duplicates as applied for, will be issued.

# State 'ignoring' highest SA court

CT 9/7/81 206 329 329

Staff Reporter

IN IGNORING the Appeal Court judgment in the Komani case, a government department and the minister responsible for that department were ignoring a ruling of the highest court in the land, Ms Sheena Duncan, director of the Johannesburg

Advice Office, said yesterday

Addressing delegates at a five-day conference on law in South Africa at the University of Cape Town, organized by the university's Law Students' Council, Ms Duncan said this represented a significant departure from

the government's stance over the past 30 years

"However appalling laws introduced in the last 30 years have been, the government tended to preserve a kind of twisted respect for the law. Now even this has finally gone," she said

## Appeal upheld

In August last year, the Appeal Court upheld the appeal of Mr Veli Komani that his wife be considered qualified to remain in the prescribed area of Cape Town in terms of Section 10 (1) (c) of the Bantu Urban Areas Act 25 of 1945

It also set aside the requirement in terms of Regulation 20 (1) that a lodger's permit be obtained before the person be granted permission to live in the urban area

The judgment meant that any woman who lived with her husband who qualified to be in an urban area had a legal right to remain in that area, she said

"We greeted the judgment with great jubilation. It seemed to us to be a great victory after years of struggle. But it has been nothing of the kind

"The Department of Co-operation and Development and the administration board seem to have taken a decision that the judgment refers to the Komani's only and that each other case will be considered on its merits," she said

## Refused

"This means that every woman seeking a 10 (1) (c) endorsement in her pass is refused. Only with an attorney's assistance will it eventually be given to her and there are now several cases pending in the Supreme Court"

While 34 000 families were on the housing waiting list for Soweto alone, Dr Koornhof's policy decision of 1979 still remained the present administrative practice — that only if a man bought a house, or was living in his father's house, would his wife and children qualify to come to live with him

"And even that is not regarded as their legal right but as a privilege accorded to them," she said

## Sexism: Lawyer outlines problems

Staff Reporter

LEGAL reforms were incapable of bringing about improvements in the position of women in society, Johannesburg attorney Ms Kathy Satchwell said at the University of Cape Town yesterday.

Addressing delegates at a five-day conference on law in South Africa, organized by the UCT's Law Students' Council, Ms Satchwell said that Britain and America had introduced anti-sex-discrimination laws in an attempt to remove legally institutionalized inequalities

But those laws sought only to challenge the content of specific, oppressive institutions and not the oppressive institutions themselves, she said

Acts such as the British "Equal Pay Act of 1970" offered women only formal equality with men while ignoring other existing inequalities, she said

It was not enough that some feminists and lawyers in South Africa had campaigned for the elimination of sexist legislation and for the introduction of anti-discrimination laws

"What is needed is not only equal pay for equal work, but the provision of work for the increased number of unemployed, not only the equalization of professional salaries but living wages for the mass of our people, not only changes in our marriage laws but the abolition of the laws relating to influx control and the migrant labour system which disrupt family life," she said

Anti-discrimination laws would no longer be necessary in a society in which sexism, along with other social divisions, ceased to exist, she said



7

form can, of course, be by individual or group subscription. In the latter instance decisions to join a plan might be less voluntary than job related and therefore compulsory where membership is a fringe benefit with employer contributions. In 1970 88% of the full-time employed had private health insurance coverage but only 27% of the unemployed in the U.S. (Davis 1977b : 63).

lower cash outlays than other forms of insurance.

Reformers in favour of market solutions have hailed these arrangements to be innovative. They argue that HMOs will foster price competition amongst themselves and with other medical care delivery systems; that profit maximization in the sense of incentives to widen the spread between costs and revenues will be restored; and that providers within the organization (doctors,

Blacks are being harried, harassed, hassled and made into criminals daily because of these ridiculous raids

The police themselves are turned into unfeeling robots who in turn transform ordinary people into criminals. If this is not the sowings of serious race problems, then nothing will ever be.

Once again we urge those in authority to speak to their policemen to treat the people with more humanity.

Once again we appeal that these laws be scrapped completely

We appeal not only as blacks who have to suffer the indignities of these vicious laws, but as South Africans who wish to see peace and security in our land

## COMMENT

### Instead of abolition, more pass raids

*Sowetan 13/7/81*

WE FIND it most infuriating that the hated pass raids at stations continue unabated, despite assurances that the laws may be relaxed

At Johannesburg and various township stations police are mounting what appears to be a more aggressive campaign on pass offenders. It seems this law, which is not only moribund but has caused some of the most serious damage to race relations in the country, is being applied with greater severity.

The ministers concerned should simply be more honest and say that these laws, far from being scrapped or relaxed, will be enforced with more vigour.

This would at least put our people on their guard. But for assurances to come from high places while the cop on the beat has a field day making innocent people criminals, is simply ghastly.

There have been reports about the economic waste caused by the implementation of pass laws, the waste in manpower when hundreds of police, instead of combating crime, have an easy time stopping every black man and woman for a silly thing like a pass.

We are not surprised that the crime rate is not going down, and we are even less surprised about the massive roadblocks put up to stem the so-called crimewaves.

As long as these laws are in operation we can see no peace in the country. Taken in isolation they are an evil and most dehumanising piece of legislation.

In the broader context, it is such laws that sow the seeds of future unrest and major breakdowns of peace and security. And yet, amongst the welter of laws that we grimly face daily, these are the most useless.

no direct relationship to frequency of medical care received, i.e. whether this be an annual check up or major surgery.

Commentators, particularly in the United States, have emphasised the problematic nature of the "availability effect", namely that "under conditions of prepayment the physician's prescription and the patients use of services are greatly influenced by the existing supply of facilities and manpower" (Klarman 1977 : 227). The institutionally meeting heralded these in recent years as potentially efficient utilization and a greater admixture of preventative practice is the health maintenance organization (HMO). (2) It is claimed for specific HMOs, like the Kaiser Program in California, that their subscriber utilization rates of physician services are the same but with lower hospital use and

Quality of care has to be uniform before differences are meaningful, and it may be doubted that consumers of HMO medical outputs are sufficiently knowledgeable, autonomous and discriminating to obtain greater utility per dollar spent. But perhaps the most serious potential shortcoming of HMOs are their likely distributive effects. As a conjecture, they may tend to work best where the subscriber population is homogeneous in socio-economic terms. If so their establishment would then entrench segmentation and increase the distance between the health status strata of national populations. In sum, "HMOs are a mixed bag" (Wildavsky 1977: 113), and "cannot today be considered seriously as a major vehicle for curbing health care expenditures in this country [United States] in the foreseeable future" (Klarman 1977:230).

206

By MONK NKOMO  
AN ATTERIDGEVILLE man held in terms of the Urban Black Areas Act was refused bail by a magistrate in the Pretoria Commissioner's court for reasons which included the claim that he had not been medically examined. A Pretoria court judge was told on Friday

The judge ordered the man's release on R100 bail, and reserved judgment on costs.

In an urgent appeal before Mr Justice van Reenen, the man's advocate, Mr H R Laubscher, sought an order to compel Mr I P Ferreira, the magistrate, to personally pay costs because of gross irregularity in failing to observe legal procedure when he heard the bail application.

Mr Kgaugelo Lekgolo (no age given) of 21 Ditodi Street, Atteridgeville, was arrested on June 24 for allegedly being

# 'Jobless' man is set free

Sawetlan  
13/7/81

206

unemployed. He was not represented when he was first refused bail on June 25, and the case was postponed to July 8.

On July 8, Mr Wilhe Seriti applied for bail for Mr Lekgolo, and this was opposed by the prosecutor, Mr J R Louw, on the grounds:

• That prosecution investigations were not

complete.

• Mr Lekgolo had not been questioned and his family had not yet been contacted.

• He had not yet been medically examined.

• There was doubt as to his identity (fingerprints had been obtained but not yet processed).

• A criminal record had not yet been obtained, and

• Major Ras of the Security Police was still busy with investigations concerning the accused.

Mr Laubscher, in his application, stated that the magistrate did not observe legal procedure when he refused to grant bail for the reasons given by the prosecutor.



# Hundreds hit in move on hostels

CT 15/7/81

206 210 147 206

By ROB MEINTJES

**HUNDREDS** of people living in the derelict Zones hostels in Langa township have been left homeless by official action taken against illegal residents of the hostels, earmarked for conversion into married quarters.

Brigadier J H van der Westhuizen, chairman of the

Western Cape Administration Board, said a large number of people were residing illegally in the hostels.

"We have been taking steps against all illegal people in the townships, whether they have been in the hostels or in other accommodation."

He said the board was doing all in its power to find hous-

ing for Zones inhabitants who qualified to be in the area.

Residents interviewed yesterday said many of them qualified to live and work in the Cape Town area and had been living in the quarters for years. They said many of the so-called "single" residents were married.

"Where are we going to sleep tonight?" asked one angry resident.

Hostel-dwellers estimated that more people — possibly thousands — would be left homeless if forced to leave the hostels. Brigadier Van der Westhuizen said it was impossible to give an estimate of the illegal population affected.

## Small children

About 300 hundred men and women, many with small children, gathered at the board offices in Langa yesterday to request legalizing of their presence in the Cape Town area.

"I am very sorry about these people and I told them so," said Brigadier Van der Westhuizen. "But what can I do about it?"

"There are more than 2 000 people on the waiting list for houses, people who qualify to be in the Cape Town area. How can one provide housing to strangers who are breaking the law?" he asked.

"People in the area legally are entirely against us doing that."

He said a decrease in the number of contract workers in the Cape Town area had left vacancies in the hostels.

By reconstructing these hostels — at a cheaper rate than houses would cost to build — we have been able to provide more than 900 family units during the past two years."

He said the board was not entitled to give housing to people who were in the area illegally. Nor were his officials empowered to legalize the presence of these people in the Cape Town area.

"We cannot allow these people to come along and create greater misery than they would do elsewhere," he said.

About 5 000 people in the

To page 2



Inhabitants of Zone 24 outside the derelict hostels they have been ordered to vacate. Picture by Alvin Andrews

area legally were currently unemployed, many of them with families to support, he said.

Residents said yesterday that they paid R6 a month for a bed in the compound-type accommodation. Many of the women have small children.

Brigadier Van der Westhuizen said people living in the single quarters illegally were not paying rent.

Conditions were squalid in one of the units visited yesterday. The 18 adult inhabitants of the unit live three to a room, sharing one crude toilet and wash cubicle. Most of the meals are cooked in the larger "living room", the tiny kitchen being too small to accommodate their rows of Primus stoves.

Brigadier Van der Westhuizen said Cape Town employers had undertaken the upgrading of the hostels for use by their workers.

A Langa community leader said that every weekend new busloads of people from the poverty-stricken rural areas were arriving in the black townships in search of a livelihood.

He said that as fast as the authorities accommodated legal residents of the Zones in alternative housing, newcomers streamed in to take their place.

From page 1316

CT 15/7/81 206 147

# PASS LAWS GONER? 100 IN COURT

~~Soweto~~ By MANDLA NDLAZI  
~~WHILE~~ top-ranking police officers deny that pass raids are still carried out, close to 100 people yesterday appeared at the Johannesburg Commissioner's Court on various charges under influx control regulations.

The SOWETAN pointed out to police that some people had been caught in recent pass raids near Johannesburg's Park station and in-and-around Joubert Park.  
But Brigadier Mulder van Eyk, Divisional Commissioner of the Soweto police, said he would not comment on matters that occurred in areas outside his jurisdiction. He also would not comment on the general

application of pass laws.

Major Fred Bull, Police Public Relations Officer for the Witwatersrand, denied that police conducted pass raids like before.

"The only time we demand a reference book," he said, "was when that person was a suspect. We do not go out in full force demanding passes."

Major Van Stander, the Johannesburg railway station commander, said it could not be his men who conducted the raids near the station. He said there has not been such a raid near the station in the past two years, while he has been commander of the station.

Victims of such raids either told SOWETAN personally or phoned  
A woman employed as a social worker said she was

arrested near Joubert Park and put into a police van where she found schoolgirls also arrested for pass offences.

Professor John Dugard said the pass laws remain unchanged despite Government promises to relax the implementation of the law. He said it remained in all its severity and the police may enforce it as any other law.

A committee of inquiry into all the influx control laws has not yet reported to Parliament.

Col Leon Mellet, chief PRO for the police directorate, said the law had not changed. "If the law says so, we'll continue to make arrests."

Mrs Sheena Duncan, director of Black Sash's Advice Office in Johannesburg said "Nothing can improve the position until the pass laws in any shape or form have been abolished."



# Action on

hostels: August

15/7/81

300 sleep

in bushes

206

24

MORE than 300 people, including a blind woman with six children, slept in the bushes last night following official action taken against illegal residents of hostels in Langa.

The people gathered at the Administration Board offices in Langa yesterday to apply for permits to be in the area legally and for a place to live

They were told nothing could be done for them. Only those who were born in Cape Town would get accommodation and endorsements to be in the area

Most of the people slept in the bushes between Nyanga and Crossroads last night and some near Langa

## MEETING

They will meet today to decide what to do

A spokesman said the people were very upset and angry. He said they had become easy prey for thieves

'We are not only running from Board inspectors but from the skollies as well,' he said

The people were offered rail warrants to Transkei if they could not find accommodation but they were adamant that they would not go to the homelands

'Sending us back to Transkei will not solve the problem. It is time the authorities consulted us to try and solve the problem,' a spokesman said

The bachelor quarters in Langa where the people were staying are being reconstructed to provide family accommodation

Officials of the Department of Co-operation and Development and of the Administration Board of the Western Cape were not available for comment today



Cold and fog last night did not dampen the spirits of the nearly 1 000 homeless people who moved into a barren, vacant area behind the Administration Board offices in Nyanga yesterday, from in and around Langa. By 11pm, no shelters of any sort were in sight and no preparations to erect any were being made. But the mood among the people was one of quiet good cheer as they clustered around fires. Many of the mothers were bedded down on the damp and sandy ground, their infants wrapped snugly against them. The entrance to the area was fast resembling a busy parking lot, with cars being longed to the people parked bumper to bumper.



# Evictions: Plan to put up shanties

CT 16/7/81  
206 (340) 11A

Staff Reporter

HUNDREDS of men, women and children evicted from the "Zones" hostels in Langa have occupied land lying on Crossroads, where they plan to erect dwellings.

The former 'Zones' inhabitants have spent the past two nights in the open on the piece of land sandwiched between Crossroads and the Nyanga administration board offices.

Yesterday a delegation representing the homeless people met administration board officials in a bid to obtain housing and legalization of their presence in the Cape Town area.

They also requested an audience with the Minister of Co-operation and Development, Dr Piet Koornhof.

## Singing

It is understood that the former hostel dwellers, most of them in the area 'illegally', feel they are entitled to the same dispensation granted to Crossroads residents by Dr Koornhof.

About 700 men, women and children from the 'Zones' waited calmly yesterday as their leaders spoke to officials in the neighbouring administration board complex. After being informed that officials had refused to meet their demands they remained on the land discussing plans to build shanties

and singing.

The chairman of the Western Cape Administration Board, Brigadier J H van der Westhuizen, said yesterday that Dr Koornhof had been unable to see the delegation.

He said the issue of Crossroads had not been raised by the delegation at the Nyanga meeting.

"But they did ask for housing and for permission to stay in the area — which we cannot grant them."

Official reaction to the presence of the people on the land neighbouring the board offices would depend on what develops.

"I have explained their position to them."

His board could not provide housing for people in the area illegally and his officials were not empowered to legalize their presence.

Illegal residents have accounted for a large percentage of the 'Zones' hostel population in the past. About two years ago the authorities began to convert the hostels into married quarters, a process now nearing completion.

Hostel dwellers said this week that they had been ordered out of the units and on Tuesday 300 residents gathered at the administration board offices in Langa in a bid to obtain housing and permits legalizing their presence in the area.

Hundreds of people living in the hostels have been left homeless by official action taken against residents without permission to be in the area.

Residents said many of them qualified to live and work in the Cape Town area and had been living in the single quarters for years.

● The names of more than 2 000 people who qualify to live in the area are on the waiting list for houses in the black townships.

● Picture, page 3

# 'Gold-mine' dompas con in court

Sawetani 206  
16/7/81

A JOHANNESBURG Commissioner's Court heard of false endorsements in passes of men who wished to remain in Johannesburg.

The presiding commissioner, Mr H Drutman also heard how much these men paid for such endorsements.

He was dealing with cases of three men who individually appeared before him on pass law charges

The men were Mr Joseph Sithole from Tugela Ferry, Mr Phineas Mkize from Weenen and Mr Sidney Ngcobo from Kranskop in Natal. They each faced charges of being illegally in Johannesburg and of having had false endorsements in their passes.

Each was fined R15 or 15 days' imprisonment for being in the area without permission and R40 or 40 days for having had false endorsements in their reference-books

## PRISON

Mr Drutman told them when they left the court room that their passes would be burned because of the false endorsements

He gave each his pass number and warned that

they would have to apply for new passes at their homes after they left prison

Mr Sithole told the court he came to Johannesburg in 1979 and had no permit to stay here. He said he paid R100 to have the endorsement made in the pass and was not aware that it was a false entry. He said he paid the money at some place

near where he was employed.

Mr Ngcobo said he had been in Johannesburg for a year from Kranskop. He said he was here without permission and had been given 72 hours to quit the area

## GUILTY

The endorsement to quit the area within 72 hours was rubbed from his pass by some people at the place where he was employed, he said

Mr Mkize said he had also been for a year in Johannesburg and was here without a permit. He said he paid R45 for his false endorsement.

The three men pleaded guilty on both charges and asked for leniency

Mr John Sibanda told the court he was from Plumtree in Zimbabwe and pleaded guilty to being in Johannesburg without permission. His case was postponed to Tuesday when his records from Pretoria would have reached the court

Mr James Comba from Mozambique faced a charge under Section 12 of the Urban Areas Act. He was released on R50 bail and his case postponed to July 29



(Mr James Comba from Mozambique ... out on R50) bail.



# FOUND FRIENDS HURDLED IN PASSES SWOOP

SEVERAL hundred people were arrested in a raid on the Nyanga camp site early today, and those who were not taken away were left confused and bewildered by the incident.

The raid took place about 3 am when police and Administration Board officials rounded up hundreds of people camping on an open field between Crossroads and the board's offices.

The people had been living there since being evicted from the Langa barracks this week.

According to community workers for the Women's Movement for Peace they recorded about 1 000 names as people were herded into police vans and taken to Langa and Mamelong police stations.

## With babies

After the raid about 200 women, many carrying babies, set out to walk to the Langa Commissioner's Court in the hope of discovering the fate of family and friends who were arrested.

By about 9 30 am they had gathered on a grass verge and were singing and wailing.

Singing and banging could be heard emanating

Agwa 16/7/81  
Evicted

families

rounded up

in Nyanga

from the cells behind the court as court officials processed charge sheets. A court official said those arrested would appear in court in Langa and at Mamelong prison.

## Split up

Many families were split up by the raid and a baby girl, whose mother was probably arrested, was found lying on the cold

ground at Nyanga after the raid.

The baby — about two months old — was found by Mrs Sylvia Kahla, who has named her Princess, and will care for her until her mother claims her.

One man, Mr Joseph Mdimali, said he was waiting at the court hoping for news of his wife and three children arrested in the raid.

**'Trying to preserve family life'**

**family life'**

THE people being tried today in the Langa Commission Court were being punished for trying to preserve their family unit — something they would be congratulated for in a normal society.

This is the view of Progressive-Federal Party MP

British, anti-bureaucrasy television crew



MRS SYLVIA KAHLA holds the two-month-old infant she found abandoned this morning after the raid at Nyanga. She is calling the child Princess until she finds the mother.

## Not arrested

According to a police spokesman the people taken away this morning had not been arrested; police were helping the Administration Board to round up pass law offenders. He said the people went 'quite willingly'.

The chief director of the Administration Board, Mr A A Louw, could not be reached for comment as he was attending a meeting.

What emerges clearly fromitioner-patient interaction patient interaction) is the compliance (10) It is preworked clinical doctor is n Several north American chro nurses in the routine manag success.

Two clear conclusions emeited above.

3. 70% of patients who were started on anti 1975 had ceased to return for what should after 12 months. Moreover the attendance continuing to attend at one year had been

Little impact was thus being made on the pro only in the community but as it presented to of the hospital. Considerably less than 30% patients could be gaining any real benefit attributable in the first instance to poor (or, more crudely, attendance for) ongoing

Although numerous suggestions have been ma attendance and pill taking compliance, few



in court when the first of the many arrested people appeared this morning.

He condemned what he termed the inhumanity of the authorities for throwing people out of housing, however meagre, with no alternative accommodation.

'I ask when we shall reap the seeds of bitterness,' he said.

It was time the Government stopped fooling themselves that the number of blacks in the cities would diminish.

'The sooner we face that reality the sooner we will start finding solutions to housing, unemployment, education, and so on.

'The inhuman action of evicting people, including children, into the cold when they at least have shelter must give rise to anger in a generally volatile situation. It is at least unwise.

He said people had every right to live with their families. No Government or police action will stop them from leading normal, decent, and human lives.'

ARGUS  
206

16/7/81



# Scores held in second police swoop on Nyanga

Sta 17/7/87

~~14~~ 206 ~~250~~

**Own Correspondent**  
**CAPE TOWN** — Thousands of singing and dancing people lined a dune to watch the second large-scale police operation in two days against people camping behind administration board offices in Nyanga

Scores of people were arrested in the operation which started about mid-day.

About 15 police vans were involved. Senior administration board officials watched as workers demolished shacks that had been erected since the people moved from Langa.

At one stage a section of the crowd ran down from the dune and gathered around a "witch doctor".

## PRESENCE

There was a strong police presence around the workers as they loaded old building material onto

trucks

An administration board official supervising in the area said "This is an official police operation and I have no say in the matter."

A group of women sat near the police saying they were prepared to be arrested with the others. The police did not take action against them.

Mrs Val West of the Athlone Advice Office witnessed the operation. She said influx control would have to be revised otherwise this sort of confrontation would increase.

The arrests yesterday were a sequel to the eviction of people living illegally in part of the Langa single quarters, which are being converted into married quarters, reports Sapa.

Community workers from the Women's Movement for Peace said they had a list of more

than 1000 people arrested, but the Commissioner of Police for the Western Province, Brigadier D B Nothnagel, said the figure was 780.

Of these, 634 appeared yesterday in the Langa court and a special court at Mannenberg.

They were remanded to Pollsmoor Prison and the hearings postponed till next week.

The hearings proceeded peacefully till about 10.30 am when a crowd, mostly women and children, gathered near the court.

The crowd approached the strong police contingent guarding the court building. Spokesmen said they too did not have papers to be in the area — and demanded that they also be taken to Pollsmoor Prison.

The police officer in charge, Captain Dolf Odendaal, called on the

crowd to move off for five minutes while a decision was being taken on the demands.

Soon afterwards, a dispute about an abandoned baby ended with the crowd pressed up against a line of policemen on the stoep of the court.

At that stage, Mr Brian Bishop, chairman of the Civil Rights League, telephoned Brigadier Nothnagel and asked him to send a senior officer to Langa because the situation was potentially explosive.

He told reporters later that Brigadier Nothnagel had replied that Captain Odendaal was senior enough.

By 2.30 pm it was clear the attempts at negotiation had broken down completely, and the policemen guarding the court began throwing gas canisters into the crowd.

## Abandoned infant is focus of crowd anger

**Own Correspondent**  
**CAPE TOWN** — The youngest and most unwilling pawn at the Langa Commissioner's Court in Cape Town yesterday was little "Princess" the infant found abandoned after the predawn raid by Administration Board officials.

The crying baby thought to be about three months old, became the object of a bizarre tug-of-war outside the court before the crowd was dispersed by teargas.

Shortly before 5 am yesterday Mrs Sylvia Kahla found Princess crying pitifully on the ground at Nyanga.

About nine hours later Princess was brought to the court to attempt to find her mother.

There were bitter exchanges between police

and the crowd as nobody could be found in the cells to take charge of the infant.

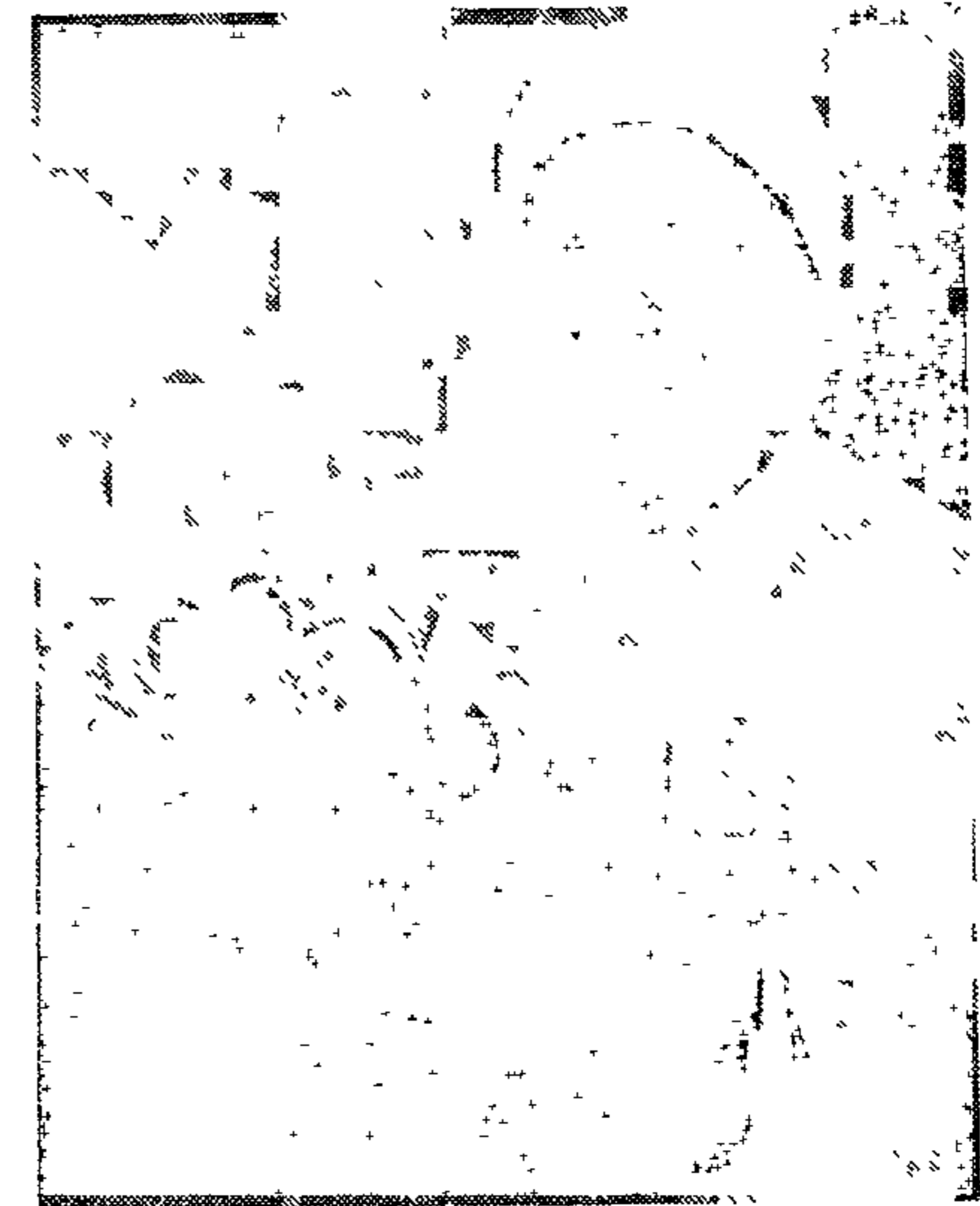
Princess was then passed from hand to hand, becoming the focus of the growing anger of the crowd.

A policeman eventually put the baby in the care of a woman court cleaner. But the woman dumped the child at the feet of Riot Squad chief Captain Dolf Odendaal, shouting "It's not my baby, it's your responsibility."

Soon afterwards, teargas canisters were fired and the crowd retreated.

Lieutenant Ronnie Els eventually took Princess saving she would go to a place of safety.

Princess's present whereabouts are not known.



Mrs Sylvia Kahla holds abandoned baby Princess as angry shouts burst from the crowd

Bell-John Prize  
 For the best all-round student  
 in any year of study.

QUANTITY  
 SURVEYING  
 (Continued)

CT 17/7/81 (HA)  
206 Aid for 340  
207  
homeless

Chief Reporter

THE administrators of the SHELTER fund have allocated R1000 for use by 10 families left homeless through official action taken this week against "illegal residents of the derelict Zones hostels in Langa township.

The allocation is to enable the families to erect temporary wood and iron homes at Nyanga on a site provided by the Western Cape Administration Board.

SHELTER has also provided tents for use in the Ocean View area by Fish Hoek squatter families whose homes were demolished by Fish Hoek municipality last month. Material belonging to the families was either burnt or confiscated, and the squatters sought refuge at Ocean View.

● Leading article, page 12



# No sign of riot before Langa tear smoke fired

Angus 17/7/81

11A 240 206

## Staff Reporter

AFTER THREE nights in the icy open air and the arrest of more than 700 friends and relatives, the people outside Langa Commissioner's Court yesterday continued to behave peacefully.

Throughout the tense day, with the crowd continually swelling and demanding to be arrested, almost no hostility was shown.

Journalists, church representatives and police moved freely without threat in the crowd.

## HAMPERED

A lack of cohesive leadership hampered negotiations with the police.

A spokesman, Mr J N Maburu, was told by a police lieutenant to tell his people to go back

where they had come from.

"How can I tell them to go home when they have no home?" he replied.

Shortly before police fired tear smoke, Mi Brian Bishop of the Catholic Commission for Justice and Peace spoke to Cape Town's chief of police, Brigadier Daniel Nothnagel, by telephone from the court building. He asked him to send a more senior officer to take command.

## MPC

Mi Bishop and his wife Di the MPC for Gardens, were in the crowd when the tear smoke was fired.

Those who suffered most from the tear smoke were police, journalists and court officials standing on the verandah of the Commissioner's Court.

When the first canister was fired, a breeze blew the choking smoke back on to the stoep.

There was a headlong dash down a corridor into a courtyard, where police hastily unlocked the security gates as the smoke wafted backward.

Among the coughing, spluttering group in the courtyard was a cameraman from an international television network with his camera still running.

Life in Langa itself continued normally throughout the day. Few residents appeared aware of the growing tension at the court.

A central figure in the crowd was an Anglican priest, the Rev Chris

Young, of Claremont, who spoke to the police on behalf of the people.

A distraught Mr Young remonstrated with police after the tear smoke was fired and questioned the validity of the laws under which they acted.

## 'WRONG SYSTEM'

"I feel for the police, but they are enforcing the wrong system," he said.

"The police tell them to go home but they have nowhere to go."

Mr Young said that all the people wanted was a home where they could live in peace with their families.

"They feel their own brothers and sisters have been arrested and they want to go to Pollsmoor in solidarity with them."

In the scramble to escape the tear smoke, four passbooks were dropped, together with blankets, shoes and clothing.

## with urged

He warned that by sitting on the sidelines they would be undermining their own future.

The PFP should get away from the idea of young people being good enough only for putting up posters and distributing handbills.

"Young people ought to be directly involved in the shaping of policy," he said.

## ON

11 am there's a Kiddies

## Investment

## curb lifted

ACCRA — An investment code Bill removing restrictions on the level of foreign participation in mineral, oil and natural gas enterprises in Ghana has been passed by the Ghanaian Parliament. Under previous legislation, the maximum foreign participation in mineral enterprises was fixed at 45 percent. — Sapa-Reuter

nd



# Where homes and hope come tumbling down...

By Sylvia Vollenhoven

SOME of the Fish Hoek squatters whose homes were demolished by the municipality recently are living in the open. Others have moved to camps elsewhere in the Peninsula.

During a visit to the area, I found several charred patches where homes had been burnt down and most of the people interviewed had only the trees for shelter.

Nearby there was a trail of rain-soaked sessions.

The area — between Clovelly and Fish Hoek, stretching towards Noordhoek — has been the target of municipal 'bush clearing operations' recently.

## RUBBISH DUMP

According to Fish Hoek's Town Clerk Mr Eric Fry, the demolitions were carried out because if the shacks were not destroyed, the squatting problem would get out of control.

A group of women were picking up whatever they could use from the municipal rubbish dump on the edge of the bush. They wait there every day for a supermarket van to bring them vegetables which cannot be sold.

Mrs Maria Blom, 30, said her home was 'taken away' last week. Now she and the two other adults who shared it, live in a hollow between two trees.

## CONFISCATED

'We have to light fires and huddle together at night to keep warm,' said Mrs Blom.

She said their homes were demolished and the 'zincs' and other building



A GROUP of squatter women wait at the municipal rubbish dump every day for a supermarket van to bring them unwanted produce.

materials were confiscated.

Mr Blom, Mr Eugene and Mrs Stevens have been living together in the bush for two years.

'Before that I used to sleep at my work house because of this pass business (die dompas besigheid),' said Mrs Blom. Mr Nda is an African and she is classified coloured.

One of the older residents of the widely scattered squatter community is Mrs Isabel Samuels, 43. Her husband Mr Willy Joseph,

has worked at Fish Hoek High School for about 12 years.

Willy has lived in this area all his life and we started living together about 10 years ago.

## INACCESSIBLE

We used to have a shack in Clovelly but that burnt down and we moved into the bush here,' said Mrs Samuels, whose home is almost inaccessible.

She said some of the people who used to live there had now moved to squatter camps at Vrygrond and Crossroads, while many had just gone deeper into the

bush to hide from the demolition workers.

A few of the families have been housed in tents at the Anglican Church in Ocean View.

One of the women there Miss Elizabeth Visagie 26 was born on a Fish Hoek farm where her father was a labourer.

'But the council bought the farm and we had to move into the bush when I was about 12 years old,' said Miss Visagie.

She and her three children — aged three to seven years — as well as

their father, Mr Michael Abraham, are now hoping to be housed by the Divisional Council.

Mrs Sue Sturman, a member of the newly-formed action committee which aims to help the squatters said that when she referred — in a previous Argus report — to workers drinking beer and treating shack demolition as an outing the men involved were not from the Fish Hoek municipality but were workers of the Department of Community Development.

● Pictures by Willie de Klerk

TWO Fish Hoek squatters hurry off into the bush at the sight of strangers.





206  
Running for safety  
7/7/8

THE wild scramble for safety by part of the crowd at the Langa Commissioner's Court yesterday afternoon seconds after police fired tear smoke canisters into the crowd

- No sign of riot before Langa tear smoke fired — Page 4.

# 'Princess' becomes a tug-of-war

RDM 17/7/81  
 206

CAPE TOWN. — A weeping baby girl, thought to be about three months old, became the object of a bizarre tug-of-war outside the Langa Commissioner's Court yesterday.

The baby was picked up at 1am yesterday by Mrs Sylvia Kahla after police had arrested hundreds of people who had been living at the makeshift camp near Crossroads.

"Princess", as the baby is called, became a subject of dispute when Mrs Kahla handed her to a policeman saying she believed the infant's mother was among those who had been arrested.

The policeman took the baby into the court, and apparently put her in the care of a woman cleaner. A few minutes later the woman ran out and put Princess down directly in front of the line of policemen, shouting: "It's not my baby, it's your responsibility!".

M P Morkel  
 of the first year.  
 greatest promise at the end  
 For the student who has shown  
Student Planners Award

K Strong  
 subject of Building Construction.  
 For the second best student in the

C W von Doring  
 subject of Building Construction.  
 For the best student in the  
S A Brick Association Prizes

III: No award  
 II : A R Low Ken  
 I : N D G Sessions  
 fifth years respectively.  
 II and III in the third, fourth &  
 the courses of Building Economics I,  
 For the best student in each of  
LTA Prizes

P R Swift  
 Professional Practice.  
 the highest marks in  
 For the student obtaining  
Surveyors' Prize  
Cape Chapter of Quantity  
The Committee of the Western

P C Key  
 in any year of study.  
 For the best all-round student  
Bell-John Prize

PLANNING  
REGIONAL  
URBAN &

(Continued)  
SURVEYING  
QUANTITY



# Gas fired at crowd

Own Correspondent

CAPE TOWN — Canisters of teargas hurled by policemen yesterday scattered a crowd of more than 1 000 blacks who had gathered outside the Langa Commissioner's Court, protesting against the arrest of hundreds of people evicted from the township's single quarters earlier in the week.

Men and women who had been shouting demands to be arrested along with the evicted squatters fled from the gas.

The Anglican Archbishop of Cape Town, the Right Rev Bill Burnett, later condemned the official action which led up to the confrontation in Langa saying "What God has joined, let no man put asunder. Was it really necessary to eject

them from their rooms in the middle of winter?"

Hundreds of people were evicted earlier this week from where they had been living illegally in part of the Langa single quarters which are being converted into married quarters.

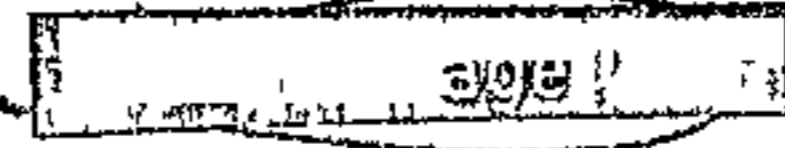
The evicted people camped out in the bushes between Crossroads and Nyanga township until yesterday morning when police and administration board officials rounded them up and took them to the Langa Commissioner's Court to face charges of being in the Cape illegally for longer than 72 hours and failing to produce documents on demand.

A spokesman for a firm of attorneys claimed about 1 500

people had been arrested, but later the Divisional Commissioner of Police for the Western Province, Brigadier D B Nothnagel, said that out of 780 people originally held, only 651 had been charged.

Before the confrontation at Langa, about 20 people packed one of the small courtrooms, while hundreds of others waiting outside tried to follow the proceedings.

Most pleaded not guilty to the first count of being in the area illegally for more than 72 hours, but guilty to the second of failing to produce identity documents.



URBAN & REGIONAL PLANNING

Student Planners Award  
For the student who has shown

K Strong

For the second best student in the subject of Building Construction.

C W von Düring

S A Brick Association Prizes  
For the best student in the subject of Building Construction.

III: No award

II: A R Low Ken

I: N D G Sessions

For the best student in each of the courses of Building Economics I, II and III in the third, fourth & fifth years respectively.

LTA Prizes

P R Swift

For the student obtaining the highest marks in Professional Practice.

Surveyors' Prize

The Committee of the Western Cape Chapter of Quantity

P C Key

Bell-John Prize  
For the best all-round student in any year of study.

QUANTITY SURVEYING (Continued)

206  
17/7/81

A black policeman attempts to persuade a crowd to disperse outside the Langa Commissioner's Court yesterday during a protest against the arrests

# Protesting crowd flees as police fire teargas

RDM 17/7/81

206 310 310

They were remanded to Pollsmoor prison and their cases postponed to next week

Mothers with babies, who said in mitigation they had come to the area for medical reasons, were told to produce medical certificates and had their cases postponed to July 20 or July 21

One of the mothers remanded to Pollsmoor Prison, asked by the commissioner, Mr L Van Wyk, why she had brought her baby to court, said she had nobody to look after the child and nowhere to stay because her house had been demolished

Those accused who pleaded not guilty were asked for their reasons by Mr Van Wyk. Most said they had no other place to stay

"I was sleeping in the bush when the police caught me," said one

The hearings went ahead peacefully until about 10.30am when a crowd consisting mostly of women and children gathered near the court

From Page 1

By mid-morning the crowd, estimated at 300 strong, approached the strong police contingent guarding the court building. Spokesmen for the crowd said that they, too, did not have papers to be in the area and demanded that they also be taken to Pollsmoor Prison

The police officer in charge, Captain Dolf Odendaal, called on the crowd to move off for five minutes while a decision was taken on its demands

The crowd moved back to a spot opposite the court. After about half an hour it had been given no answer and most of the crowd, which had grown in size, began drifting back to the court

Captain Odendaal told them no decision had been taken and asked them to disperse again. Most of the demonstrators moved off to an open field ad-

joining the court. By this time more and more men were joining the crowd as news spread of the situation and there were increasing signs of restlessness

Captain Odendaal's requests that the crowd disperse were repeatedly rejected

By 2.30pm it was clear the attempts at negotiation had broken down and the policemen guarding the court began throwing and firing the gas canisters into the crowd

Screaming and coughing, the crowd retreated before dense clouds of gas leaving clothing, handbags, blankets and other possessions scattered in front of the court

Most of the people ran upwind of the gas towards the residential area of Langa

Police then cordoned off the area around the court rooms and later allowed people to return to pick up their possessions which had been piled in a heap

Lieutenant Ronnie Els carries a lost baby belonging to one of the mothers scattered by teargas at the Langa Commissioner's Court yesterday

Chas. McCarthy & Sons Building Prize

penult BUILDING



# Aftermath of Nyanga: women fined, police come under fire

Star 18/2/78

CAPE TOWN — About 70 of the people evicted from the Langa barracks and arrested for camping in the open near Crossroads this week appeared in a special court at the Manenberg Police Station yesterday.

Most of the accused were women charged with being in the peninsula longer than 72 hours without permission and of not possessing or failing to produce identity documents. Most of them were convicted and fined up to R60 (or 60 days).

## SINGING

Thousands of singing and dancing people yesterday lined a dune to watch the second large-scale police operation in two days against people camping behind administration board offices in Nyanga.

Scores of people were arrested in the operation which started about midday.

A group of women sat near the police saying they were prepared to be arrested with the others. The police did not take action against them.

The arrests were a se-

quel to the eviction of people living illegally in part of the Langa single quarters, which are being converted into married quarters.

Community workers from the Women's Movement for Peace said they had a list of more than 1000 people arrested, but the Commissioner of Police for the Western Province, Brigadier D B Nothnagel, said the figure was 780.

Of these, 634 appeared this week in the Langa court and a special court at Manenberg.

They were remanded to Pollsmoor Prison and the hearings postponed till next week.

Sapa reports from Durban that the raids and arrests were condemned yesterday by Mrs Helen Suzman, MP as "officialdom gone mad".

Mrs Suzman, Progressive Federal Party spokes-

man on the Department of Co-operation and Development as well as civil rights, said the actions of the township officials were giving ammunition to New Zealand demonstrators and others who found South Africa's racial policies beyond the pale.

Mr Brian Bishop, chairman of the Civil Rights League, was at Langa this week as part of a delegation from the Roman Catholic Commission for Peace and Justice.

## APPEAL

Mr Bishop, who had telephoned the Divisional Commissioner of Police, Brigadier D B Nothnagel, from the Langa court to appeal for restraint, believes the use of force could have been avoided.

His assessment is disputed by Brigadier Nothnagel, who said police had "done a superb job of work" in dispersing an illegal crowd without injuries to anyone.

The Shell Science Education Prize  
 Awarded to the best postgraduate  
 Science Education student.  
 L G Moser

The Whitton Awards  
 For two B Ed, M Ed or S T D  
 students who reside in the  
 Cape Province.  
 Mrs M S Blake  
 J P W Heale

# Camp site raid: 161 in court

ET 18/7/81

206  
340  
HA

Staff Reporter

MORE than 150 people appeared before commissioners yesterday charged with pass law offences following Thursday's raid on a Nyanga East camp site.

The hearings were held in the Langa Commissioner's Court and in a special temporary court at Manenberg police station.

By 5pm yesterday when the courts adjourned, a total of 161 cases had been heard in Langa and Manenberg. A further 100 cases were heard at Manenberg on Thursday.

The accused, mostly women, were arrested at 3am on Thursday at a site near Crossroads where they had camped after being evicted from Langa's Zones the previous day.

In terms of section 10 (4) and section 15 (1) of the Black Urban Areas Act they were charged with remaining in the Cape Peninsula for longer than 72 hours without permission and not being in possession of an identity document or alternatively failing to produce one.

Of the 161 cases heard yesterday, 91 were in Langa and 70 in Manenberg. Most of the accused were represented by attorneys appointed by the Athlone Advice Office (AAO).

## Langa

All the cases in the Langa court were postponed to dates ranging from July 23 to 31. Most people were remanded. Bail of R30 was granted in several cases.

At Manenberg, most accused were convicted and fined up to R60 (or 60 days) on the first charge. Sentences were suspended in a number of cases and bail was granted in at least one case.

In one case at Manenberg, the commissioner, Mr J J

Fourie, suspended a fine of R40 (or 40 days) imposed on a mother of four, Mrs Priscilla Dyasi, and told her to leave the Peninsula within 14 days using a rail ticket issued free of charge at the Langa Commissioner's Court.

Miss Shanaaz Meer, who appeared for Mrs Dyasi, told the court Mrs Dyasi had been 'forced to abandon her four children in the veld' near Crossroads when she was arrested on Thursday and did not know where they were. She had also left her reference book behind at the Crossroads site.

## 'Necessity'

Miss Meer said Mrs Dyasi came to Cape Town from the Transkei in 1970 'out of extreme necessity' and lived illegally in Langa. She had earned R3 a month as a domestic in Mount Fletcher, but now earned R5 a day working in Cape Town. Mrs Dyasi was fined R5 (or 10 days) on the second charge.

Miss Vuyelwa Tatam, 22, a Crossroads resident said she was away visiting in the Crskei when a stay of execution in demolishing Crossroads two years ago was ordered.

Mr E Mohamed, who appeared for Miss Tatam, said she had returned from the Crskei too late to register under the new dispensation. She had a reference book, but had left it at her aunt's home in Crossroads. Miss Tatam was fined R30 (or 30 days) on the first charge and R5 (or 10 days) on the second charge.

The commissioners were Mr L van Wyk and Mr J J Fourie. Mr Dominic Mngomeni and Sergeant F B Petty prosecuted. Mr S Kessler, Mr A Jefftha and Miss N Cuba, of Mallinck, Ressa Richman and Cloenberg and Miss Y S Meer and Mr E Mohamed of A M Omar and Company appeared for the accused.



# Special court for evicted

Staff Reporter

THE senior prosecutor at Langa Commissioner's Court Mr J J Fourie was appointed acting commissioner yesterday to preside at a special court held in Stanchberg police station.

The court was convened to cope with the large number of cases stemming from a pass law raid early on Thursday morning. About 1 000 people were evicted from Langa barracks and later arrested on a site near Crossroads where they had camped for the night.

Most of the accused appearing before Mr Fourie yesterday were women charged with being in the Peninsula longer than 72 hours without permission and not possessing or alternatively failing to produce identity documents. Those convicted were fined up to R65 (or 65 days).

Throughout the hearing Mr Fourie continuously referred to female accused as "baboons" by commenting frequently as the women pleaded in mitigation of sentence.

To a woman who said she had lived in the bachelor's quarters in Zone 24 Langa but had no fixed address, he said: "I suppose you sleep with a different man every night."

## 'Baboons'

The woman said she had never possessed an identity document, to which Mr Fourie replied: "We are going to show him what we do to people who think they are too good to carry documents."

He told the woman: "All people, whether they are white, brown, black or pink, have to get identity documents when they are 16 years old. Only donkeys, cows and baboons don't need to carry documents."

She was fined a total of R65 (or 65 days).

To a 16-year-old girl, who said she had come to Cape Town last weekend from Lady Frere to find work, Mr Fourie said: "A girl of 16 should be with her mother, not out in the field here."

She was fined R20 (or 20 days) for being in the Peninsula without permission.

Sergeant F B Petty prosecuted.



A police officer removes leafy branches which formed a rudimentary shelter from wet weather for this homeless woman. The woman, who did not say a word while her shelter was dismantled, remained where she was even when nothing was left around her. Her "shack" was the last to be removed yesterday from an open piece of ground next to Crossroads where

hundreds of people had spent the night in the open. Cape Times Newscolour John Rubython

# Another 140 held near Crossroads

Staff Reporter

POLICE apprehended another 140 people yesterday morning after hundreds of homeless people had spent a wet night under makeshift shelters on an open piece of ground next to Crossroads.

After teargas had been used to disperse a crowd of more than 1 000 people at the Langa Commissioner's Court on Thursday, the situation near Crossroads yesterday was tense but fairly quiet, with only one police vehicle being stoned as police left the scene in the afternoon.

Under the protection of a strong contingent of police in 12 vans, Peninsula Administration Board workers dismantled the shelters, which consisted mainly of leafy branches and sheets of rusted iron.

They were watched by about 800 people who encircled the scene at a distance on higher ground.

The Divisional Commissioner of Police in the Cape, Brigadier D B Nothnagel, said 140 men and women had been apprehended near Crossroads yesterday.

Investigations into the legality of their presence in the Western Province would determine whether or not they would be charged, he said.

By lunch-time yesterday all the makeshift shelters had been piled into trucks and taken to an unknown destination.

By this stage, a group of women, some with babies on their backs, had quietly settled down close to the parked police vehicles.

Police did not pay any attention to them, although the women said they were waiting to be arrested for being in the area illegally.

One woman, who had wrapped herself in a blanket and appeared to be ill, stayed in her low shelter while policemen removed it from around her.

## 'Pain in throat'

She refused to speak, only indicating that she had some pain in her throat, and remained seated on the bare ground till police had left the area.

At 1:30pm police vehicles began to move out of the area in a convoy. Some elements in the crowd surged forward, stoning the last vehicle with half-bricks and large stones.

Two policemen, one with a teargas pistol in his hand, got out of the van and the crowd quickly scattered.

As the police vehicle left the area, a teargas canister was fired into a section of the crowd.

● Appearing on a television news broadcast last night, the Chief Commissioner of the Department of Co-operation and Development in the Western Cape, Mr Timo Beuendhout, threatened illegal black residents with deportation to the homelands.

He said: "The illegal blacks in the area are withholding about 800 housing units from those blacks who are legally here."

"The waiting list is just over 2 300, and illegal residents, many of whom are unemployed, just cannot be tolerated, because they are jeopardizing the chances of those who are here legally."

● A civil rights worker, Mr Brian Bishop, has called on the government to set up procedures which could help defuse situations and avert police action against crowds such as that which gathered at the Langa Commissioner's Court this week.

Mr Bishop, chairman of the Civil Rights League, was at Langa on Thursday as part of a delegation from the Roman Catholic Commission for Peace and Justice.

Mr Bishop, who telephoned Brigadier Nothnagel from the Langa court to appeal for restraint, believes the use of force could have been avoided.

His assessment is disputed by Brigadier Nothnagel, who said police had "done a superb job of work" in dispersing an illegal crowd without injuries to anyone.

● The United Women's Or-

# Babies parted from mothers

By ZUBEIDA JAFFER

THREE babies were separated from their mothers when police raided Crossroads yesterday morning.

Residents took two of the babies to the Langa Commissioner's Court where they believed the mothers to be, but were not given permission to hand over the children.

They are Nokuphiwa Scritch, 10 months, and Sivuyile Baba, six months. Their mothers, Mrs Lucia Scritch and Mrs Joyce Baba, were arrested yesterday.

Last night Nokuphiwa was in the care of her aunt, Mrs Nontsikelelo Scritch, who found her with her sister, 10, after their mother had been arrested. Sivuyile was being looked after by a neighbour, Mrs Lena Nkomhela of Nyanga.

The third baby, known as Dlibhule, was in the care of a young woman, Kate Jass, who knows the mother of the child only as Dafi.

A fourth baby, abandoned on Thursday, has still not been identified. She was taken to the Nomzuma Place of Safety by officials of the Administration Board.

Last night the "foster moth-

ers" were angry that the babies had been separated from their mothers.

"The child must be with its mother. It is still on the breast. How can I care for it properly?" Mrs Nkompheli said.

Mrs Scritch said she did not have enough food to feed another child.



● Nokuphiwa Scritch, 10 months, with her aunt, Mrs N Scritch, in Crossroads last night.

18/4/81  
906

From Page 1  
The United Women's Organization (UWO) has condemned the arrests over the last few days of hundreds of men and women of Crossroads, Langa and Nyanga. In a statement issued by the chairwoman, Mrs Mildred Lesele, the UWO appealed to every woman to come out in support of these women who have been treated in such a brutal manner. We condemn the throwing of teargas at women, some of them pregnant, and at their defenceless children and babies, the statement reads. According to the statement, members of the UWO saw children choking and some mothers collapsing from the teargas. They had to use the dirty water they could find to prevent children from fainting. We appeal to all lawyers to come to the assistance of the men and women now made homeless by the government's clean-up operation, the statement said.



# Sebe attacks S Africa's treatment of 'illegals'

W. Post 18/7/81

206

105

340

By BRIAN POTTINGER  
Political Correspondent

THE Chief Minister of Ciskei, Chief Lennox Sebe, has branded the recent pass raids in Cape Town as a futile effort to treat the symptom of a disease rather than seek its cure.

Reacting to the arrests of hundreds of allegedly "illegal" black people in Cape Town over the last two days, Chief Sebe warned that the only solution would be the full-scale development of the homelands.

At the same time, he gave notice that the Ciskei would not accept any "repatriated" person in Ciskei who had not, in fact, originally come from the homeland.

His statement follows hard-line warnings on SATV last night by the Chief Commis-

sioner for the Western Province, Mr Timo Bezuidenhout, that "illegal" Africans would be forced to return to their "national states".

Chief Sebe said last night Mr Bezuidenhout would be doing these repatriations "until he reaches the grave" because people inevitably flowed to the urban areas in search of jobs.

He said the Ciskeian urban representative in Cape Town would have to satisfy himself that every person the administration board sought to "deport" was, in fact, from the Ciskei.

"There will be no question of loading people into ox-wagons and dumping them anywhere."

Chief Sebe said that, according to his information, very few of the people arrested in

the township raids in Cape Town were Ciskeians.

Those who could be proved to have come directly from Ciskei would not be accepted back in the homelands until full arrangements had been made by the relevant chiefs.

The fate of the Ciskeians arrested in the raid has become of cardinal importance in the light of imminent Ciskeian independence.

One of the key agreements reached between the Ciskeian and South African Governments in the "independence package deal" was that no Ciskeians would be removed from South Africa unless there had been full consultation between the authorities.

The treatment of the Langa-Nyanga arrestees could, therefore, affect future relations.



Chief LENNOX SEBE... arrests "a futile attempt to treat a symptom".



# Police arrest 140 more near Crossroads

Own Correspondent

CAPE TOWN — Police arrested another 140 people yesterday morning after hundreds of homeless people spent a wet night under make-shift shelters on an open piece of ground next to Crossroads.

The shelters were dismantled by Peninsula Administration Board workers.

After teargas was used to disperse a crowd of more than 1 000 people at the Langa Commissioner's Court on Thursday, the situation near Crossroads yesterday was tense but fairly quiet, with only one police vehicle being stoned as police left the scene in the afternoon.

Under the protection of a strong contingent of police in 12 vans, board workers dismantled the shelters, which consisted mainly of leafy branches and sheets of rusted iron.

They were watched by about 800 people who encircled the scene at a safe distance on higher ground and shouted abuse.

The Divisional Commissioner of Police in the Cape Province, Brigadier D B Nothnagel, said that 140 men and women had been arrested near Crossroads yesterday.

Investigations into the legality of their presence in the Western Province would deter-

mine whether or not they would be charged, he said.

By lunch-time all the make-shift shelters had been piled into trucks and taken to an unknown destination and the crowd became restless, although still keeping a safe distance from policemen.

By this stage, a group of women, some with babies on their backs, had quietly settled down close to the parked police vehicles. Police did not pay any attention to them although they said they were waiting to be arrested for being in the area illegally.

A few private cars, presumably belonging to those people who had spent the night in the area, remained where they had been parked in the centre of the open field.

One woman, who had wrapped herself in a blanket and appeared to be ill, stayed put in her low shelter while policemen removed it from around her. She refused to speak, only indicating she had some pain in her throat, and remained seated on the bare ground until after police had left the area.

At about 1 30pm the police vehicles began to move out of the area in a convoy and rowdy elements in the crowd surged forward, stoning the last vehicle with half-bricks and large stones.

Two policemen, one with a teargas pistol in his hand, got out of the van and the crowd quickly scattered.

As the police vehicle left the area, a teargas canister was fired into a section of the crowd.

In a television news broadcast last night, the Chief Commissioner of the Department of Cooperation and Development in the Western Cape, Mr Timo Bezuidenhout, threatened illegal black residents with deportation to the homelands.

"The illegal blacks in the area are withholding about 800 housing units from those blacks who are legally here. The waiting list is just over 2 300 and illegal residents, many of whom are unemployed, just cannot be tolerated because they are jeopardizing the chances of those who are here legally," he said.

## More Nyanga raid victims appear in court

Own Correspondent

CAPE TOWN — More than 160 people appeared before commissioners yesterday charged with pass law offences following Thursday's raid on a Nyanga East camp site.

The hearings were held in the Langa Commissioner's Court and in a special temporary court at Manenberg police station.

When the courts adjourned yesterday 161 cases had been heard in Langa and Manenberg. A further 100 cases were heard at Manenberg on Thursday.

The accused, most of them women, were arrested at 3am on Thursday at a site near Crossroads, where they had camped for the night after being evicted from barracks in Langa the previous day.

They were charged in terms of the Black Urban Areas Act with remaining in the Cape Peninsula for longer than 72 hours without permission and not being in possession of an identity document, or alternatively, failing to produce an identity document.

Of the 161 cases heard yesterday, 91 were in Langa and 70 in Manenberg. Most of the ac-

cused were represented by attorneys appointed by the Athlone Advice Office (AAO).

All the cases in the Langa court were postponed to dates ranging from July 23 to 31. The majority were remanded at Pollsmoor Prison, but bail of R30 each was granted in several cases.

At Manenberg, most of the 70 people who appeared were convicted and fined up to R80, or 60 days, on the first charge. Sentences were suspended in a number of cases and bail was granted in at least one case.

In one case at Manenberg, a fine of R40, or 40 days, imposed on mother of four Mrs Priscilla Dyasi, was suspended.

She was told to leave the Peninsula within 14 days using a rail ticket issued free of charge at the Langa Commissioner's Court.

Mrs Dyasi was fined R5, or 10 days, on the second charge.

The court was told she had been "forced to abandon" her four children "in the veld" near Crossroads when she was arrested on Thursday and did not know where they were. She had also left her reference book behind at the Crossroads site.

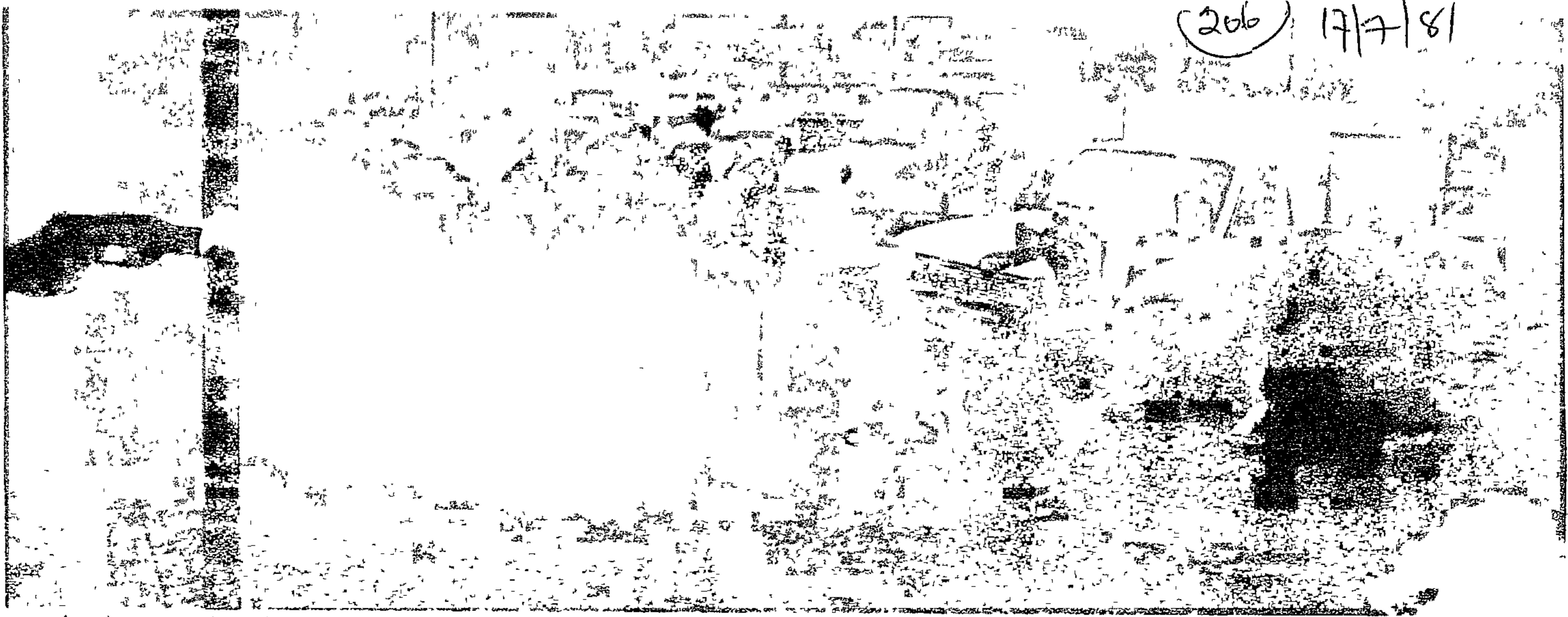
Bell-John Prize  
For the best all-round student  
in any year of study.  
P C Key  
The Committee of the Western

PLANNING  
REGIONAL  
URBAN &

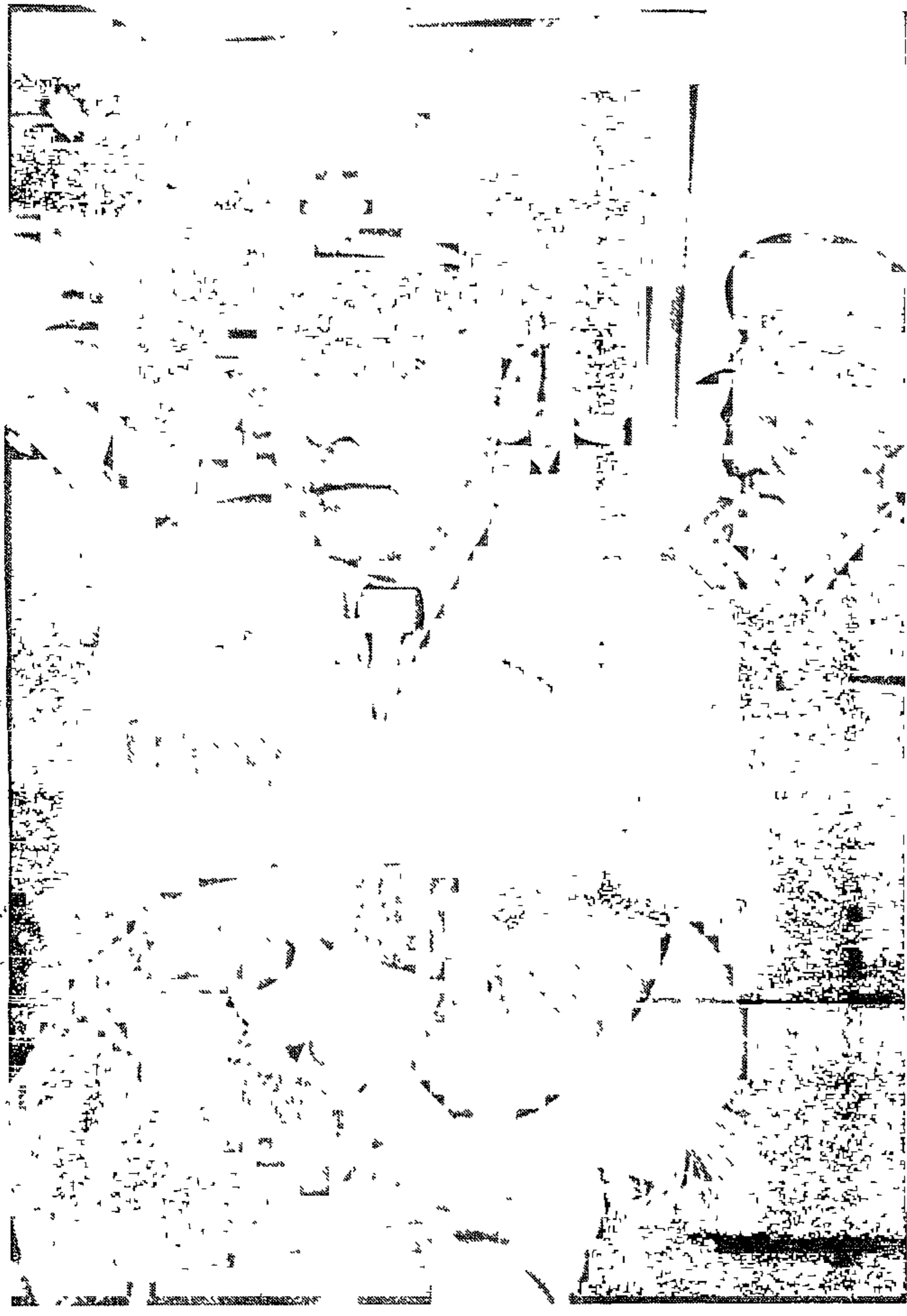
QUANTITY  
SURVEYING  
(Continued)



(206) 17/7/81



A policeman, whose hand can be seen on the left, fires more teargas into the crowd which gathered outside the Langa Commissioner's Court yesterday



Lieutenant Ronnie Els holds a lost baby girl whom nobody claimed, shortly before teargas scattered a large crowd outside the court building

# Teargas fired at crowd

CT 17/7/81  
206  
LH

**CANISTERS of teargas hurled by policemen yesterday scattered a crowd estimated at more than 1 000 black people who gathered outside Langa Commissioner's Court, in protest against the arrest of hundreds of people evicted from the township's single quarters earlier in the week.**

Men and women who had been shouting demands to be arrested along with the evicted squatters ran from the gas in several directions, leaving personal belongings scattered on the ground.

The confrontation was a sequel to the eviction this week of hundreds of people who had been living illegally in part of the Langa single quarters, which are being converted into married quarters.

The evicted people camped out in the bushes between Crossroads and Nyanga township till yesterday morning, when policemen and Administration Board officials rounded them up and took them to the Langa Commissioner's Court to face charges of being in the Cape illegally for longer than 72 hours and

failing to produce documents on demand.

A spokesman for a firm of City attorneys claimed yesterday that about 1 500 people had been arrested, but later the Divisional Commissioner of Police for the Western Province, Brigadier D B Nothnagel, said that out of 780 people originally picked up, 634 had been charged.

A large number of those arrested were tried at Langa, and the others at a special court in Manenberg.

Before the confrontation at the Langa trials a crowd of about 30 people packed into one of the small court rooms, with hundreds of others waiting outside, trying to follow the proceedings.

Two courts sat in Langa At

one of them none of the accused was represented, and a police warrant-officer acted as prosecutor.

Most of the people pleaded not guilty to the first count of being in the area illegally for more than 72 hours, but guilty to the second charge of failing to produce identity documents. They were remanded to Pollsmoor Prison

charge. Captain Dolf daal called on the court to move off for five minutes while a decision was made on its demands. The crowd moved back to a spot directly opposite the court. After about half-an-hour answer had been received and most members of the crowd which had gathered, began drifting

**Report: CRAIG TYSON and MARK VAN DER VELDEN  
Pictures: JOHN RUBYTHON**

and their cases postponed to next week.

Mothers with babies who said in mitigation they had come to the area for medical reasons were told to produce medical certificates and their cases were postponed to July 20 or July 21.

One mother remanded to Pollsmoor Prison was asked by the commissioner, Mr L van Wyk why she had brought her baby to court. She replied that she had nobody to look after the child and had nowhere to stay because her house had been demolished.

Those accused who pleaded not guilty were asked their reasons by Mr Van Wyk. Most said they had no other place to stay.

"I was sleeping in the bush when the police caught me," said one accused. Another said she was

then former position of the court.

Captain Odendaal took them no decision had been taken yet and asked them to disperse again. Most demonstrators moved to an open field adjoining the court. By this time more men were joining the crowd as news spread of the situation, and it was an increasing sign of restlessness.

At 1 45pm a police officer emerged from the court opposite the court and sped through the crowd blowing his horn. Members of the crowd started shouting abuse.

### Baby dispute

Soon afterwards a woman about a baby of about a month old, which had been abandoned, ended up in the crowd pressed up against

## Police left holding baby after pass raid

A WEeping baby girl, thought to be about three months old, became the object of a bizarre dispute outside the Langa Commissioner's Court yesterday just before the crowd was dispersed by police teargas canisters.

The baby was picked up at 11am yesterday by Mrs Sylvia Kahla after police had apprehended hundreds of people who had been living at a makeshift camp site near Crossroads following their eviction from part of the Langa single quarters.

By late yesterday afternoon the mother of "Princess", as Mrs Kahla called the baby, had not yet been located.

"Princess" became a sub-

ject of dispute when Mrs Kahla handed her to a policeman standing on the stoep of the court saying she believed the infant's mother was among those who had been arrested.

The policeman took "Princess" inside to try to locate her mother, but later returned and said he had been unsuccessful. When he tried to hand "Princess" back to Mrs Kahla the crowd urged her not to co-operate.

The policeman took "Princess" back into the court and apparently put her in the care of a woman cleaner. A few minutes later, while final attempts were being made to get the crowd to disperse, the woman ran out on to the stoep and put "Prin-

cess" down directly in front of the line of policemen, shouting "It's not my baby, it's your responsibility!"

The scene evoked a burst of angry shouts from the crowd, and a policeman hastily took "Princess" inside again. Moments later teargas canisters were fired and the crowd retreated.

About half-an-hour later, after further attempts had been made to find the infant's mother, one of the police officers present, Lieutenant Ronnie Els, took her in his arms and drove her away to safety.

Her whereabouts were unknown last night, but it is believed Lieutenant Els took her to a hospital.



206 17/7/81



A policeman, whose hand can be seen on the left, fires more teargas into the crowd which gathered outside the Langa Commissioner's Court yesterday.



Lieutenant Ronnie Els holds a lost baby girl whom nobody claimed, shortly before teargas scattered a large crowd outside the court building

# Teargas fired at crowd

CT 17/7/81  
206

**CANISTERS** of teargas hurled by policemen yesterday scattered a crowd estimated at more than 1 000 black people who gathered outside Langa Commissioner's Court, in protest against the arrest of hundreds of people evicted from the township's single quarters earlier in the week.

Men and women who had been shouting demands to be arrested along with the evicted squatters ran from the gas in several directions, leaving personal belongings scattered on the ground

The confrontation was a sequel to the eviction this week of hundreds of people who had been living illegally in part of the Langa single quarters, which are being converted into married quarters

The evicted people camped out in the bushes between Crossroads and Nyanga township till yesterday morning, when policemen and Administration Board officials rounded them up and took them to the Langa Commissioner's Court to face charges of being in the Cape illegally for longer than 72 hours and

failing to produce documents on demand  
A spokesman for a firm of City attorneys claimed yesterday that about 1 500 people had been arrested, but later the Divisional Commissioner of Police for the Western Province, Brigadier D B Nothnagel, said that out of 780 people originally picked up, 634 had been charged

A large number of those arrested were tried at Langa, and the others at a special court in Manenberg  
Before the confrontation at the Langa trials a crowd of about 30 people packed into one of the small court rooms, with hundreds of others waiting outside, trying to follow the proceedings  
Two courts sat in Langa At

one of them none of the accused was represented, and a police warrant-officer acted as prosecutor  
Most of the people pleaded not guilty to the first count of being in the area illegally for more than 72 hours, but guilty to the second charge of failing to produce identity documents They were remanded to Pollsmoor Prison

charge, Captain Dolf Odendaal called on the crowd to move off for five minutes while a decision was taken on its demands The crowd moved back to a spot diagonally opposite the court  
After about half-an-hour no answer had been received, and most members of the crowd, which had grown in size, began drifting back to

**Report: CRAIG TYSON and MARK VAN DER VELDEN  
Pictures: JOHN RUBYTHON**

## Police left holding baby after pass raid

**WEEPING** baby girl, thought to be about three years old, became the object of a bizarre dispute outside the Langa Commissioner's Court yesterday just as the crowd was dispersed by police teargas canisters  
The baby was picked up at the court yesterday by Mrs Sylvia Els after police had appended hundreds of people who had been living in makeshift camp site at Crossroads following their eviction from part of the Langa single quarters  
Late yesterday afternoon, as Mrs Kahla called for her baby, had not yet been identified, "Princess" became a sub-

ject of dispute when Mrs Kahla handed her to a policeman standing on the stoep of the court, saying she believed the infant's mother was among those who had been arrested  
The policeman took "Princess" inside to try to locate her mother, but later returned and said he had been unsuccessful When he tried to hand "Princess" back to Mrs Kahla the crowd urged her not to co-operate  
The policeman took "Princess" back into the court and apparently put her in the care of a woman cleaner A few minutes later while final attempts were being made to get the crowd to disperse, the woman ran out on to the stoep and put "Prin-

cess" down directly in front of the line of policemen, shouting "It's not my baby, it's your responsibility!"  
The scene evoked a burst of angry shouts from the crowd, and a policeman hastily took "Princess" inside again Moments later teargas canisters were fired and the crowd retreated  
About half-an-hour later, after further attempts had been made to find the infant's mother one of the police officers present, Lieutenant Ronnie Els, took her in his arms and drove her away to safety  
Her whereabouts were unknown last night, but it is believed Lieutenant Els took her to a hospital

and their cases postponed to next week  
Mothers with babies who said in mitigation they had come to the area for medical reasons were told to produce medical certificates and their cases were postponed to July 20 or July 21  
One mother remanded to Pollsmoor Prison was asked by the commissioner, Mr L van Wyk, why she had brought her baby to court She replied that she had no body to look after the child and had nowhere to stay because her house had been demolished  
Those accused who pleaded not guilty were asked their reasons by Mr Van Wyk Most said they had no other place to stay  
"I was sleeping in the bush when the police caught me," said one accused  
Another said she was pleading not guilty because she had not done anything and was just standing in the bush when she was arrested  
The hearings proceeded peacefully till about 10 30am when a crowd consisting mostly of women and children gathered near the court  
By mid-morning the crowd now estimated at 300 approached the strong police contingent guarding the court building Spokesmen said they too did not have papers to be in the area and demanded to be taken to Pollsmoor Prison  
The police officer in

their former position in front of the court  
Captain Odendaal told them no decision had been taken yet and asked them to disperse again Most of the demonstrators moved off to an open field adjoining the court By this time more and more men were joining the crowd as news spread of the situation and it was showing increasing signs of restlessness  
At 1 45pm a police van emerged from the police station opposite the court and sped through the crowd, the driver blowing his hooter Members of the crowd scattered shouting abuse  
**Baby dispute**  
Soon afterwards a dispute about a baby of about three months old, which had been abandoned ended with the crowd pressed up against a line of policemen drawn up on the stoep of the court, holding teargas canisters  
At this stage Mr Brian Bishop, chairman of the Civil Rights League, entered the court offices from where he telephoned Brigadier Nothnagel and asked him to send a senior officer to Langa, as the situation was potentially explosive  
Mr Bishop told reporters Brigadier Nothnagel had replied that Captain Odendaal was senior enough, and "I then asked him to write down





sheltered from last night's rain in tents, makeshift huts and the homes of Crossroads residents, these men had to make the most of hats and coats

# Babies, mothers shelter

By CHRIS BARRON

'GOD you must be with me, because somebody is chasing me'

Translated from Xhosa, this was the sign which appeared in one of a number of Crossroads shacks which last night sheltered mothers and their babies from the rain

Most of them had shelter of another sort — they were still in police cells following their arrest on pass law offences during yesterday's raids

Some were given shelter in a Roman Catholic church in Nyanga and the rest found relief from the steady drizzle in makeshift shacks and tents erected in the area behind the Nyanga Administration Board offices into which they moved early this week

About 150 of their menfolk stood around in silent groups, hands in pockets and faces glum

The smiles of the night before had disappeared, but the determination to remain in the Cape Town area as families had not

"It doesn't matter what they do," said a mother and wife who had been here with her husband, a worker at Koeberg for five years — we are staying

● Another mother was glad of a lift from the Cape Times to Tygerberg Hospital with the seriously ill one-month-old son she had been trying to get there all day

**A** ♦♦♦♦  
From page 1

in the day book that there had been a request to send a senior man

Captain Odendaal tried to pacify the crowd and persuade it to disperse. An Anglican priest, the Rev Chris Young, acted as an intermediary

Captain Odendaal's requests that the crowd disperse were repeatedly rejected. One member of the crowd, Mrs Albertina Mbatini, a domestic worker who said she had been without accommodation for two months, told reporters, "It is better to go to jail than to sleep in the bush again"

## Throwing began

By 2.30pm it was clear that the attempts at negotiation had broken down, and the policemen guarding the court began throwing and firing gas canisters into the crowd

Screaming and coughing, the crowd retreated before the dense clouds of gas, leaving clothing handbags, blankets and other possessions scattered over at least 100m of ground in front of the court

Most people ran up-wind of

GT4

JULY 30

GT2;

JULY 27

JULY 23

MOND

TUTORIAL SUBMI

2ND SEM

15

ACCOU



# Police fire teargas at crowd outside court after 600 arrested in pre-dawn law raid

By Tony Spencer-Smith

**BRIAN BISHOP**, chairman of the Civil Rights League, claims the Western Cape Divisional Commissioner of Police, Brigadier Daniel Nothnagel, was misinformed by a senior police officer about the situation at the Langa Commissioner's Court on Thursday shortly before the teargassing of a huge crowd of protesters.

He makes his allegation in a signed statement in which he describes his dramatic bid to prevent police taking action against the crowd.

The crowd gathered during the hearings of those arrested during one of the biggest pass law raids ever conducted.

A tiny baby girl, spent a day of hell — the innocent victim of the raid.

Nearly 800 people were arrested in the pre-dawn raid in Nyanga on Thursday by Administration Board officials supported by police.

Over 600 of those arrested were eventually charged with being in the Peninsula illegally.

They were left homeless earlier this week when they were evicted from the Langa single quarters, and were camping in the bushes around Nyanga.

**Pitifully**

Langa court on Thursday, Mrs. Kahla handed the baby to a policeman on the court stoep, saying she believed the mother could have been one of those arrested.

His efforts to locate the mother failed — and eventually the baby ended up on the ground outside, directly in front of the line of police.

This angered the crowd and the baby was taken back inside.

Shortly afterwards the scene exploded into pandemonium as the crowd — including many women with babies on their backs — fled in terror from the teargas.

Belongings were strewn about, people vomited and fell. Later "Princess" was taken by the authorities to the place of safety.

The supervisor, Mrs. Helen MacDougall, said "Princess" had cried all Thursday night.

"She was feeling awfully misplaced. She felt strange, as babies do when taken from their mothers. By Friday she was feeling much better."

She stayed there till late on Friday when she was taken out of the home, apparently by relatives.

No further details could be obtained, including whether she had been reunited with her mother.

had walked on to the court stoep to speak to the captain.

"It was apparent that the captain was losing his calm. I introduced myself and asked him to withdraw his riotous assembly order as it was more likely to provoke a riot than to avert one."

"He asked who I was and I told him, adding that my object was to avert violence. I said that a riot would have grave international consequences and that I wished to telephone police headquarters."

"I asked him to delay his dispersing action for a while and he agreed."

Mr Bishop said he had then telephoned Brigadier Nothnagel from the court, and told him that the situation was tense but peaceful, but that police insensitivity was likely to provoke a riot.

"I asked him to send a senior officer immediately. When he asked why, I said that a senior man would allow a calmer and more mature assessment of the situation."

**Concern**

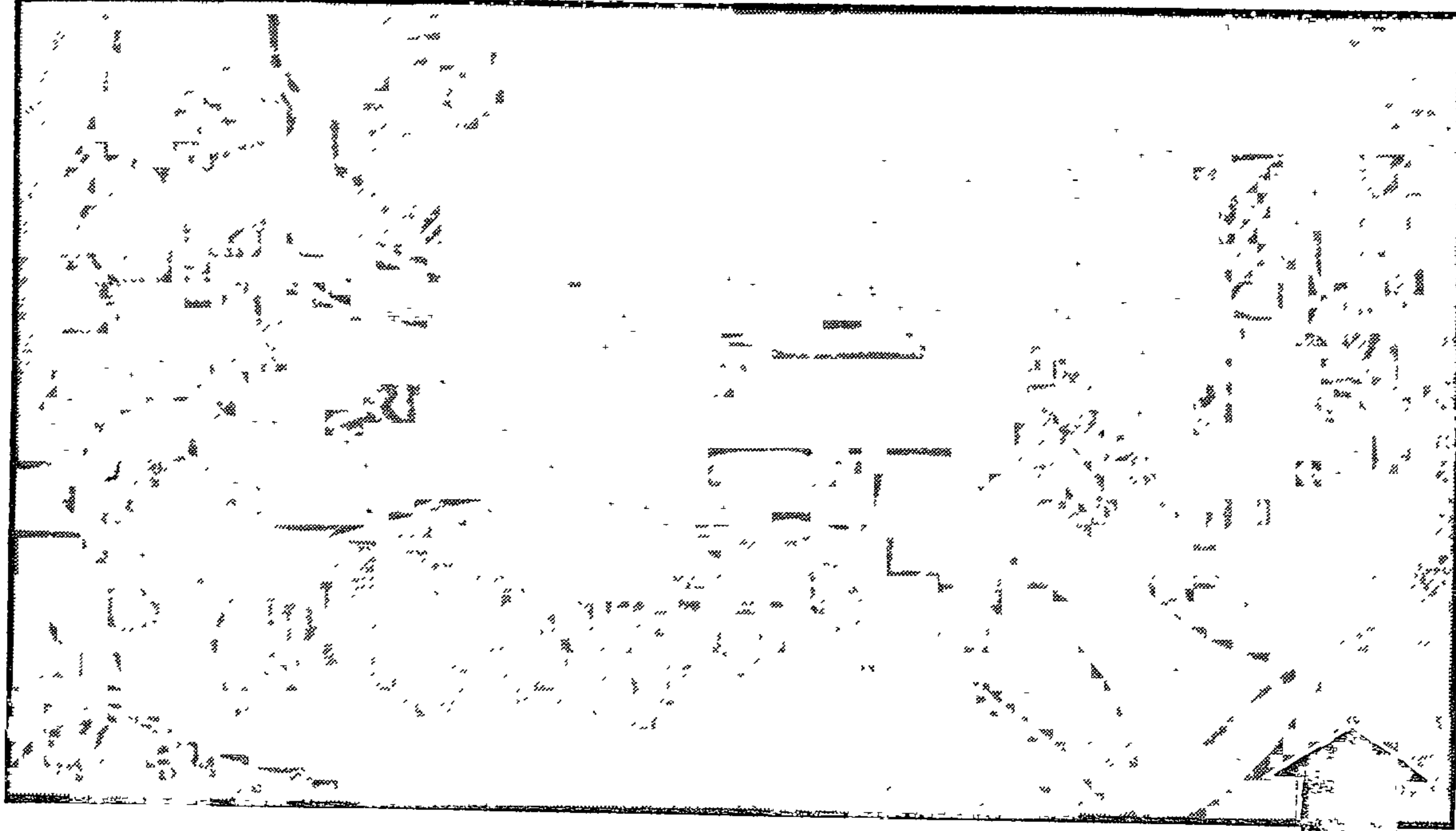
"The brigadier said that keeping order was the concern of the police alone but I said that it was the concern of every man."

"He stated that no action by himself was necessary and clearly wished to end the call. I then said that he must please record in his police day book that he had been advised that as a serious situation was developing he had been asked to send a senior man, and had refused."

Mr Bishop said that Captain Odendaal had then told the brigadier there was a large crowd standing on the stoep and pushing against the court door — but this was not so.

The captain told the brigadier the court was sitting — and did not alter this although a magistrate called out "No, we have adjourned."

"Hulle staan en breek." Mr Bishop then asked to speak to the brigadier again and he had denied



that the captain had used the word "breek" and said that the problem was that he could not understand Afrikaans.

Wrote Mr Bishop: "It seemed utter foolishness at such a critical time but I conducted the rest of the conversation with the brigadier in Afrikaans."

The brigadier then had asked to speak to the captain again and Mr Bishop left the room, thinking that they would talk more easily without his being there.

"I remained outside the court for about 10 minutes until I believed that the riotous assembly warning would not be enforced and then left . . . to return to my office."

**Teargas**

"With the court adjourned and the police hopefully ordered to calm down I felt that the crowd would disperse."

but later he had heard that the teargas had been fired shortly after he left.

Asked to comment on Mr Bishop's statement about Captain Odendaal's remarks, Brigadier Nothnagel told the Sunday Tribune he "rejected all the allegations of Mr Bishop."

"Apparently he does not understand Afrikaans. Captain Odendaal in fact said: 'Hulle kan nie toegeelaat word om te maak en te breek soos hulle wil nie.'"

"In the context in which he said this, it means: 'They can't be allowed to contravene the law at will.'"

Asked specifically about the alleged claim that the crowd was pushed against the court doors, Brigadier Nothnagel repeated that he denied all the allegations.

"I have no further comment. The massive raid will plunge the pass courts into a series of hearings which could take weeks. Many pleaded not guilty. Their cases were postponed to next week and they were remanded to Pollsmoor Prison. Arrangements are being made to get as many as possible of them good legal representation. Mothers with babies, who said in mitigation they were in the Peninsula

for medical reasons, were told to produce medical certificates by next week.

Mr Ken Andrew, PFP MP for Gardens, who was at the Langa courts on Thursday, said he had been struck by the fact that in terms of South Africa's "incredible system" people were being prosecuted for doing things for which they would be congratulated in a normal society — trying to maintain family life and provide a living for themselves.

"How long is it going to be before the Government faces up to the fact that irrespective of what they do, wives are going to attempt to live with their husbands and children, and people are going to try to find work to prevent themselves and their children from starving to death?"

Mrs Barbara Versfeld, acting director of the Athlone Advice Office, said she was "bowed over" by the raid. "It is unspeakable."

In his statement, Mr Bishop said: "I think that the Government must be persuaded to set up procedures whereby these situations can be defused. We knew 16 hours beforehand that a situation was developing . . ."

"In such situations a senior police officer and a Supreme Court Judge should be despatched to the site to assess the position and to work for reconciliation."

**Hostile**

"I think that the police must attend awareness programmes in the community. Their attitude was hostile and the younger policemen clearly were itching for an excuse to use their batons."

"Neither of the above steps should divert efforts from the major task of ending apartheid. An evil system can never be administered in any but an evil manner."

The Civil Rights League has been fighting for human rights in South Africa for many years. Its president is Sir Richard Luyt, former principal of the University of Cape Town, and its patrons include Alan Paton and former Anglican Archbishop Robert Selby-Taylor.

"Princess" lies on the ground outside the Langa commissioner's court while the chairman of the Civil Rights League, Brian Bishop (centre), tries to persuade police not to take action against the crowd.

S. Tribune  
206  
19 JUL 1981



# The week they cracked the whip

S. Times  
20/7/81

**IT WAS the week when officialdom cracked its whip at Cape Town's population of "illegal residents".**

And in a show of solidarity reminiscent of the defiance campaigns of the 60s, hundreds of blacks in Langa township demanded to be arrested "with their brothers and sisters".

The drama began early in the week when officials of the Western Cape Administration Board ejected families from hostels known as Langa Barracks.

The officials said the hostels were being converted into married quarters and those evicted had no right to be there.

But when the homeless moved to Crossroads and began erecting shelters on an adjacent field, the Administration Board moved in swiftly with the police to arrest all those without a pass.

Two special courts for the township became production lines of convicted pass offenders, who went through the court with machine-gun rapidity.

Nearly 500 were tried in two days.

The official figure of arrests made, given by Brigadier Daniel Nothnagel, Divisional Police chief in the Western Cape, was 700.

**By MIKE VAN DER MERK**

A spokesman for a firm of attorneys representing many of the pass offenders claimed the figure was closer to 1 500.

Trouble flared on Thursday when more than 1 000 people gathered outside the Langa Commissioner's Court and demanded to be arrested as well, in sympathy with their friends, relatives and dependants.

A plea the previous day to meet with Dr Piet Koorhof, Minister of Co-operation and Development, had been turned down by officials of the Administration Board.

## Warned

Representatives of the homeless had asked for housing and legalisation. This was rejected by the Administration Board.

"We cannot provide housing for people illegally in the area and we cannot legalise them," said Brigadier J A van der Westhuizen, chairman of the Administration Board.

And then the cry was "arrest us too".

After the officer in charge, Captain Dan Odenaal, considered this request for half-an-hour, he warned the crowd to disperse.

When they refused, tear-gas was fired and they scattered, dropping possessions in the process.

Police were illegally left holding the baby.

A robust, well-clad infant, nicknamed "Princess", was abandoned during the pre-dawn raid in the township.

A woman who found her lying on the ground took her to the Langa Commissioner's Court in a vain bid to find her mother.

But no one in the cells claimed the baby and she was eventually taken to a place of safety by Lieutenant Ronnie Els of the SAP.

On Friday the drama was re-enacted when police and Administration Board officials swooped again on the area alongside Crossroads where the homeless "illegals" were squatting.

They tore down more crude shelters and took over a hundred people to the Langa police cells and Pollsmoor prison.

A representative of the squatters said it was urgent they meet with Dr Koorhof.

"I have been working in Cape Town since 1965. There are many of us who should be allowed to live here — and should be allowed to have somewhere to live," he said.

Dr Koorhof has helped the people of Crossroads. Let him help us too.

"We are heartbroken, why must we suffer so much? Why can't we stay here if we have jobs?"

Commenting on the week's events Brigadier van der Westhuizen said he could not allow another Crossroads to arise.

"And the more illegal people we allow in, the more unemployment there is."

## Mournful

Another squatter, Mrs Grace Dhlath, said they preferred to be locked up in a warm jail rather than spend another night in the freezing cold.

She was holding her 16-month-old baby, Christian, who is suffering from meningitis.

"We were thrown out of the hostels in the township. Now we have nowhere to go and they won't let us build shelters," she said.

"Let them do what they want with us now, we are tired."

Nearly a mournful Labrador lay on the spot where his owners, who had been whisked off to either Langa police cells or Pollsmoor

## Christian, the sick baby caught up in the pre-dawn raid

prison, had built their shelter. He sniffed the ground and watched the last pieces of wood and corrugated iron being loaded onto an already heavily laden lorry.

Ten metres away a woman sat alone under a makeshift "cease" of branches and plastic.

She appeared sick and unable to talk, and when the officer in charge of the operation, Captain Dan Odenaal, ripped the structure away from over her head, she continued to stare blankly ahead.

Finally the police climbed back into their vans and began to leave — and then the previously silent crowd erupted into howls and chanting.

As the last van pulled out a flurry of stones rained down from a group of children.

But the police, except for a parting teargas grenade, ignored the provocation and departed.

## Govt 'freeze' blamed for legion of homeless

A GROWING legion of homeless blacks is striding restlessly on Cape Town's doorstep. They are, say critics, victims of a Government "freeze" on black housing development in the Western Cape over the past decade.

Compounding the tragedy is the fact that many of these homeless people have good jobs and successfully support their families.

But technically they are law-breakers because they do not have Government permission to live and work in Cape Town, a "coloured labour preference area".

Commenting on the round-up at Langa this week, Mr

A STORM of protest erupted yesterday over comments by an acting magistrate specially appointed to try blacks on pass offences.

Mr J J Fourie told a woman charged with being illegally in the Cape Peninsula "I suppose you sleep with a different man every night."

He also said "only donkeys and baboons" didn't need identity documents.

Amid demands for Mr Fourie's dismissal, angry black leaders and churchmen condemned his remarks as "racist" and "a slur on the dignity of all South Africans."

The incident happened in a special court convened to deal with hundreds of blacks arrested in this week's pass raids in Cape Town.

Mr Fourie, a senior prosecutor at the Langa Commissioner's Court, was appointed to preside over the temporary court which sat at Mammenberg police station.

He made his controversial remarks while hearing the case of a woman who said she had lived in the bachelors' hostels at Langa township.

When the woman said she had never possessed an identity document, Mr Fourie told the court:

"We are going to show her what we do to people who think they are too good to carry documents."

"All people, whether they are white, brown black or pink, have to get identity documents when they are 16 years old."

"Only donkeys, cows and baboons don't need to carry documents."

The woman was fined a total of R65 (or 65 days) for being in the Peninsula without permission.

Mr Brian Bamford, an advocate and chief whip of the Progressive Federal Party,

## By NORMAN WEST

"The presiding officer had no right whatsoever to make either of those comments."

"They were totally out of order and totally obnoxious."

He should be immediately removed from judicial office because he is not capable of holding that job."

Dr Mfihato Mclwana, chairman of Soweto's Committee of Ten said "I am appalled at the level of insensitivity, pure inhumanity and obvious anti-black bias manifested in the remarks of this judicial officer."

"I must warn that the white man is building against himself and his descendants a legacy of hatred in all black people which is going to be very difficult to eliminate."

The president of the West-

## Scurrilous

"The law not only has to protect but promote human dignity."

"The remarks by Mr Fourie are clearly those of a man who does not regard people simply as people."

"I hope the authorities will see that he is swiftly removed from his position."

The Rev J A Tshabalala, parish priest for the Langa Methodist church, condemned Mr Fourie's remarks as "scurrilous."

"This is not the first time the Langa Commissioner's Court has been involved in controversy for insensitive remarks."

In May, when a woman told magistrate Mr J van Wyk she had come to Cape Town to work because people were starving in the homelands he retorted: "We are starving in Cape Town. You can rather starve at home."

He then fined her R60 (or 60 days).

# Legion of homeless

By RIC WILSON

"It was reckoned that by 1978 the homelands would be so attractive blacks would flood back to them."

As a result, there was no black housing programme in the Western Cape in the 1970s — even though the number of blacks employed by the Government itself increased.

"While the Government now generally accepts that blacks in cities are not temporary sojourners, it is still trying to treat the Western Cape differently because of

the coloured labour preference policy."

One of the victims of this week's raid on Langa was Mr Joseph Mdimali, whose wife and children were arrested in Cape Town for 15 years for the same construction firm.

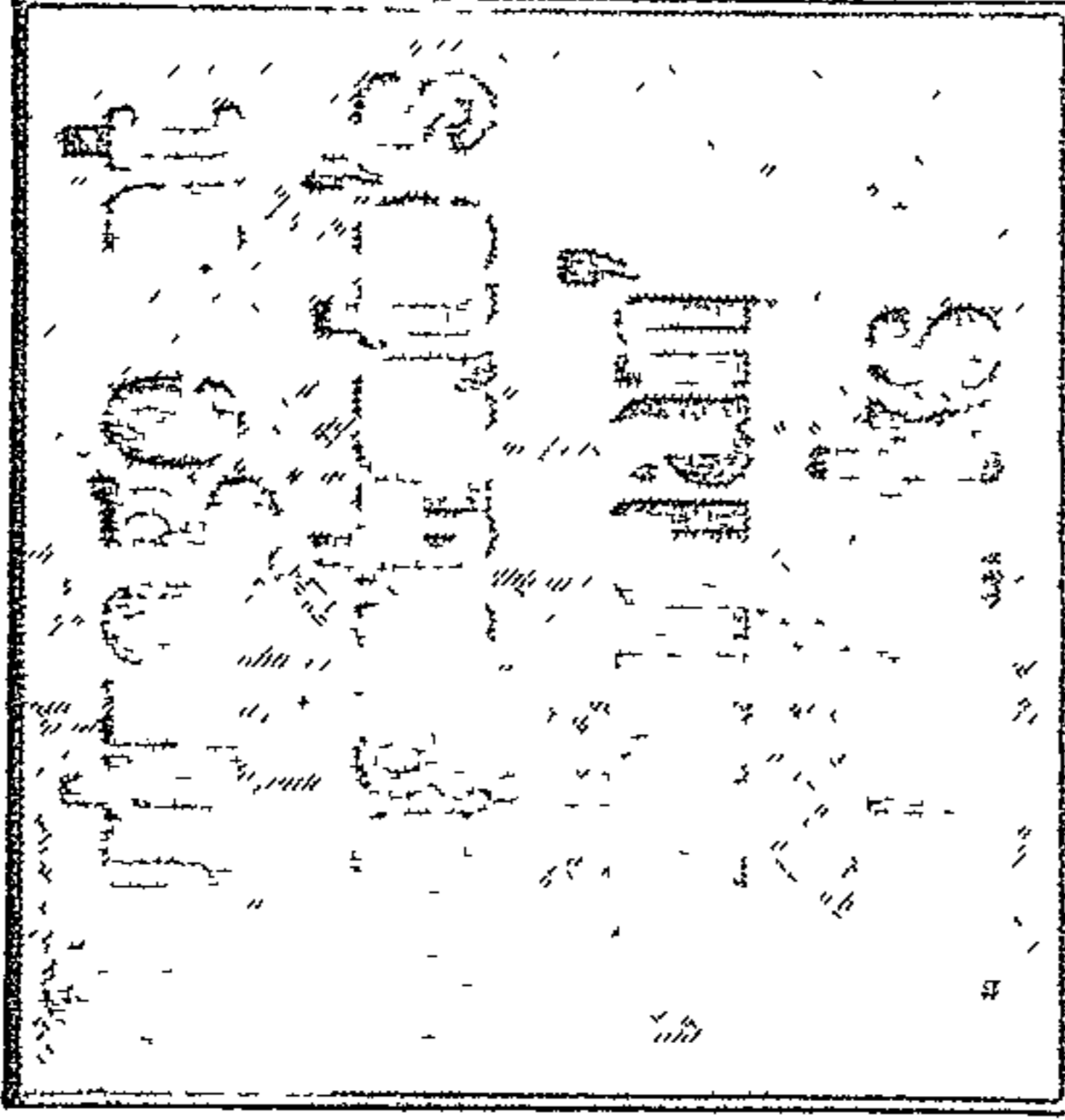
Before their eviction the Mdimali family had lived in Langa Barracks since 1970.

He said "Why should I send my wife and children to Transkei — I have a good job here and I am capable of looking after them."

Ken Andrew, the Progressive Federal Party MP for Gardens, said

"The Government is fooling itself if it thinks by taking these people to court they are going to disappear from the Western Cape."

The roots of the problem, said Mr Andrew, was the now-discarded Nationalist theory that the tide of blacks coming into cities would be reversed.



ern Province branch of the African Chamber of Commerce, Mr Thomas Mandla said "Mr Fourie's remarks are an insult of the first order."

"To think that a presiding officer in a court of law could sink so low as to compare human beings to the situation of baboons, defies understanding."

The Rev Sam Buti, general secretary of the Nederlandse Gereformeerde Kerk in Africa, and chairman of the Alexandra Idanson Committee, said "We abhor such treatment of our people by men of law."

He then fined her R60 (or 60 days).

He then fined her R60 (or 60 days).

He then fined her R60 (or 60 days).

He then fined her R60 (or 60 days).

He then fined her R60 (or 60 days).

He then fined her R60 (or 60 days).

He then fined her R60 (or 60 days).

He then fined her R60 (or 60 days).

He then fined her R60 (or 60 days).

206



the gas towards the residential area of Langa, where they regrouped. Others ran towards an open patch of land near the main highway, pursued by more canisters fired at them by policemen holding handkerchiefs to their noses.

A few people who forced their way into the court building to escape from the gas were ejected by policemen. At least five people were overcome by gas and collapsed in the field, coughing and wiping their eyes and noses.

Police then cordoned off the area around the courtrooms and later allowed members of the dispersed crowd to return and pick up their possessions, which had been piled in a heap.

### Homes promise

About half an hour after the crowd had been dispersed a man claiming to be a spokesman said the people considered the arrests a harassment following promises of homes for those who had now been arrested.

He said several people had been given new homes near Crossroads and it was unfair of the authorities to arrest those who had also been promised homes.

He said the people did not want confrontation but sought contact with the Minister of Co-Operation and Development, Dr Piet Koornhof, who had done so much for them in the past.

When asked why the people had crowded around the Commissioner's Court, he said they were there in solidarity and wanted to be treated in the same manner as those arrested.

There had been a number of trouble-makers among the crowd, he conceded but said most of them wanted to be left alone until they were allocated homes.

C.I.  
job



# Official queries

## court remarks

CT 20/7/81

206 340 14

BY CLARE STERN

**THE CHIEF COMMISSIONER for the Western Cape, Mr Timo Bezuidenhout, will inquire into comments made by Mr J J Fourie, senior prosecutor at the Langa Commissioner's Court, while trying blacks on pass offences last week.**

"If Mr Fourie's alleged remarks are true, I deplore them and cannot agree with them," Mr Bezuidenhout said yesterday.

And Mr Ken Andrew, Progressive Federal Party MP for Gardens, has called for the removal from office of Mr Fourie and another magistrate, Mr L van Wyk.

Mr Fourie and Mr Van Wyk have come under fire from black leaders, politicians and churchmen for "racist and insensitive remarks".

Last week, in his capacity as acting commissioner at a special court hearing to try people evicted from Langa barracks, Mr Fourie told a woman charged with illegal residence in the Peninsula "I suppose you sleep with a different man every night."

He also told her "All people, whether they are white, brown, black or pink, have to get identity documents when they are 16 years old. Only donkeys, cows and baboons don't need to carry documents."

This is the second time comments made in the Langa Commissioner's Court have caused an outcry. In May, a magistrate, Mr L van Wyk, reportedly told a woman, who said she had come to Cape Town to work because people were starving in the homelands "We are starving in Cape Town. You can rather starve at home."

**'Certain standard'**

Commenting on Mr Fourie, Mr Bezuidenhout told the Cape Times "If Mr Fourie's alleged remarks are true, I deplore them and cannot agree with them. It is not the function of a magistrate to say this from the Bench. In my 18 years as a magistrate, I was very wary of what was said from the Bench.

"A certain standard must be retained. One must stick to the facts. I don't believe any person should be personally attacked in any court or anywhere else. I'm not prepared to stand for this type of thing and I will certainly make inquiries into the matter."

Yesterday, Mr Andrew called for Mr Fourie and Mr Van Wyk to be removed from

## Downpour hits 200 left homeless

By ZUBEIDA JAFFER

WITH the rain pouring down yesterday, officials of the Administration Board allegedly confiscated plastic sheets which provided the only shelter for people left homeless on a bare field bordering Crossroads.

This claim was made by community workers and a number of homeless people in Crossroads yesterday.

The Chief Commissioner for the Western Cape Administration Board, Mr Timo Bezuidenhout, said last night that as far as he knew only a

tarpaulin had been removed on Saturday.

"My information is that a tarpaulin and two mattresses were removed from the field where there were no people," he said. "It was a South African Railways tarpaulin and it was taken to the Railways."

He said that at no stage had he given instructions that shelters should be removed, and according to his information, no sheets other than the tarpaulin had been confiscated.

Left without shelter yesterday, more than 200 people

evicted from the Langa zones over the past few days, drifted into nearby shacks. But the few who were lucky enough to salvage bits of plastic set to work constructing shelters again.

And for those unable to find shelter, umbrellas helped ward off the rain.

When the Cape Times visited Crossroads yesterday, three groups of people sat huddled together under ma-

### 'Callous'

"The callous behaviour of the authorities in throwing people of all ages, and irrespective of their health, out into the open in the middle of a cold and wet winter is bad enough. For supposedly impartial judicial officers to behave in such an obnoxious way only aggravates an already tense and volatile situation."

Mr Andrew said he would consult colleagues with a view to approaching the Minister of Co-operation and Development, Dr Piet Koorhof, to take action to alleviate the situation.

The events in Langa last week, he said, illustrated yet again "the fallaciousness of Dr Koorhof's claim that apartheid is dead."

"On the contrary, apartheid in all its iniquitous, racist and inhuman ways is alive and kicking people about

### 'Deporable'

Mr Andrew said Mr Fourie's comments about the accused woman's sleeping habits were "deplorable and cast a slur on her moral character."

"A remark of that sort made outside a court could well result in a libel action."

● A telephone call to Mr Fourie's home number — a number confirmed by a sen-



Only braves were the only protection from the constant rain yesterday for some of a group of about 50 people huddled together on the border of Crossroads yesterday

Cape Times Newscolour IVOR MARKMAN



Mr Andrew, who attended the Langa Commissioner's Court hearings last week, said "Their remarks are ample proof of their unsuitability to serve as presiding officers. Their remarks were insensitive, offensive and provocative — an insult to thousands of blacks who are struggling against the odds to survive."

Mr Andrew said the commissioners' courts left a good deal to be desired, "but to have openly hostile presiding officers can only result in a complete loss of confidence in judicial procedures."

Mr Andrew also questioned the wisdom of "appointing a man acting

for court official" — was answered by a "Mr J J Fourie". He said he could not hear what was being said. Telephoned a second time, he still had a problem in hearing, but after a few minutes he stated that he was not a magistrate but a radio technician.

A third telephone call to the same number was answered by a younger man who said he worked for the Bellville Traffic Department as a traffic officer. He said he did not know the magistrate Mr Fourie. Asked if his father was at home, he said his father worked in the Transvaal and only he and his family lived at that number.

CT  
20/7/81  
206

# Rapped Wrab's promise to obey the law

25/7/81 (206)  
By PAT SCHWARTZ

has shown  
the end

THE chairman of the West Rand Administration Board, Mr John Knoetze, has promised that his officials will no longer separate husbands from wives who qualify to live in Soweto

He told the Rand Daily Mail there would be no further need for women who qualify for urban residence rights under Section 10(1)(c) of the Blacks (Urban Areas) Consolidation Act to take matters to court to have the rights respected

student in the  
Construction.

In a statement yesterday, Mr Knoetze said he and his board were aware of the implications of last year's Appeal Court judgment in the case of Mrs Nonceba Komani declaring ultra vires a regulation requiring black women to have a lodgers permit or residence permit to live with their husbands who "qualified" to be in prescribed areas

in Prizes  
in the  
Construction.

## Husband

His statement follows a week in which Wrab was rapped over the knuckles by Mr Justice Goldstone when he granted an order in the Rand Supreme Court that Mrs Mafiri Martia Mhlongo be permitted to live with her husband Mr Silika William Mhlongo

in each of  
Engineering Economics I,  
third, fourth &  
levelly.

"We have made it perfectly plain," Mr Knoetze said yesterday, "that it's not necessary



MRS MAFIRI MHLONGO  
All smiles yesterday

Western  
city  
ing

for any further blacks to go to the Black Sash or to lawyers or to court"

His board was "carrying out the law as it stands now" Mr Knoetze said

nd student

"They can come along now and get their endorsements," he said, adding that "we will treat each case on its merits"

Referring to the outcry that followed Mr Justice Goldstone's order this week, and to a number of cases in the past year in which women in identi-

URBAN &  
REGIONAL  
PLANNING

cal circumstances to Mrs Komani had been refused endorsements Mr Knoetze said that was "water under the bridge" and the situation would now be corrected

## Pledge

"I realise the implications of the judgment and we will carry it out strictly according to the letter of the law and with understanding and empathy"

If women who qualified for the 10(1)(c) endorsement had trouble at any of Wrab's branches, Mr Knoetze said, they should refer their matters directly to Wrab's director of labour, Mr A E Steenhuisen, or himself

(Cont)  
SURVEY  
QUANT



## Anger

The baby — temporarily dubbed "Princess" by Mrs Sylvia Kahla — who found her crying pitifully on the ground at about 5am after the raid — became the focus of the anger and pain of the people whose lives are being torn apart by the pass laws

"Princess" apparently separated from her mother by the raid was put in the Langa Place of Safety, and nobody seemed to know who her mother was or what had happened to her

Said the station commander at Langa Lieutenant Gert Nel "We are still trying to find out who the mother is

"We have established that she was not one of the mothers arrested in the raid

Mr Bishop is a member of the Roman Catholic Commission for Peace and Justice. He and two other members of the commission, Mr Thora Percz, the chairman, and Sister Rose Tiernan, visited the Langa courts on Thursday

## Teargas

In his statement, Mr Bishop says the officer in charge at the scene — Captain Doll Odendaal — misinformed the brigadier about the situation shortly before the teargas was unleashed on the crowd of about 1000 gathered outside

He said that when it had become clear that the police were contemplating action, although this was clearly unnecessary, he had walked on to the court stoep to speak to the captain

It was apparent that the captain was losing his calm. I introduced myself and asked him to withdraw his riotous assembly order as it was more likely to provoke a riot than to avert one

Sweetan  
20/7/81  
206

# Langa mums evicted in driving rain

*Sawetan 20/7/81*

*206*  
*PA*

**ABOUT 150** of the people, including mothers and babies, evicted from hostels in Cape Town's Langa township last week spent a cold, wet weekend in an open field near Crossroads squatter camp.

About 1000 others were held in Pollsmoor prison waiting to appear in court today and tomorrow to face charges of being in the area illegally.

Yesterday the remaining 150 including mothers with babies on their backs gathered in driving rain to hold a prayer meeting and to elect a committee to represent them and gather assistance for them.

Singing "God give us strength, we will not tire" they pleaded with officials of the Administration Board who ordered them to remove a tin shack they had erected to shelter the babies.

**EVICTED**

The Administration Board officials

continued to destroy any make-shift shelter erected by the people as protection against the winter weather but groups of people defiant huddled under pieces of plastic and shelter made from branches and sticks.

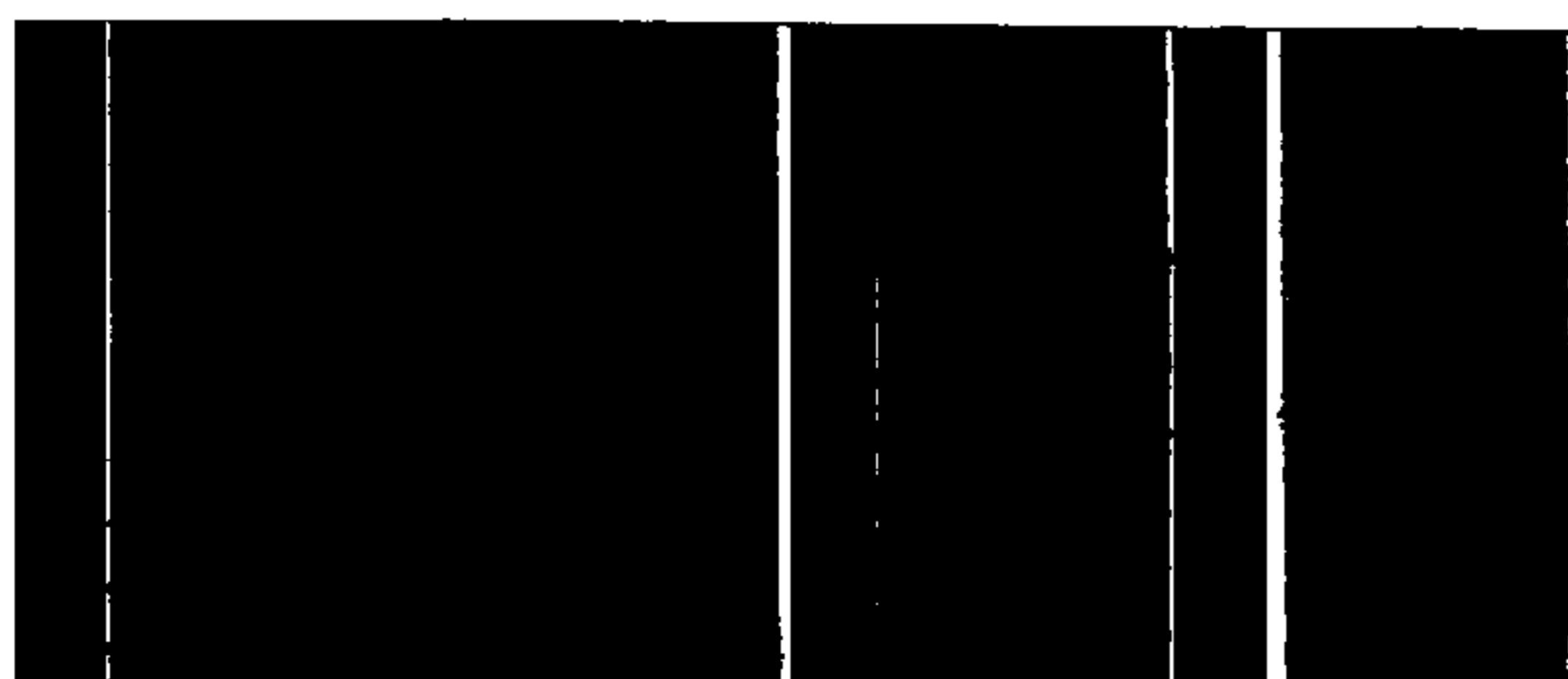
These people were all evicted from Langa single quarters hostel last week and moved into the open near Crossroads. Over 600 of them were arrested on Thursday and another 140 on Friday.

The 161 appeared in court on Thursday and were charged with being in the area illegally.

The rest are also due to appear today and tomorrow.



A little girl — Princess — lost in the confusion and chaos of the Langa arrests, while chairman of the Civil Rights League, Mr Brian Bishop, tries to persuade police not to take action against an angry crowd





# Pass laws: 170 in Langa court

(206)

21/7/81

21 Staff Reporter  
ABOUT 170 people, 140 of whom were arrested in Crossroads on Friday appeared in the Langa Commissioner's Court yesterday

in the case of those represented by attorneys acting on behalf of the Athlone Advice Office were granted bail of R30

They were charged with being in the Peninsula for more than 72 hours without the necessary permission and with not possessing or, alternatively, failing to produce identity documents

Most of those who pleaded guilty were sentenced to fines of up to R60 (or 60 days) suspended till July 23 by which time they must have left the Peninsula

The majority pleaded not guilty and were ordered to be held in custody at Polls-

The two court rooms in use were packed with spectators and 150 people gathered outside

# Transkei envoy slams evictions

CT 21/7/81 44 340 206 43

Staff Reporter

THE Transkeian Consul, Mr A L Socikwa, has deplored the eviction of hundreds of black men, women and children from the "Zones" hostels in Langa during the coldest and wettest winter experienced in years.

About 1 000 people — mostly Transkeians — have been arrested in the past week for being in the Cape Town area "illegally", according to Brigadier J H van der Westhuizen, chairman of the Western Cape Administration Board.

Mr Socikwa said yesterday that he had gone to the Langa hearings last week to ask for a list of Transkeians arrested in the police raids. He was told by officials that most of those arrested had failed to produce identity documents which would have shown where they came from.

He said he was told that fingerprints of those arrested had been sent to Pretoria for identification by the Central Reference Bureau.

"If these people have to be repatriated it should at least be done in an orderly and humane fashion — not that we approve of them being repatriated."

"I would prefer to see their presence legalized and the granting of permits enabling these people to work in the Cape Town area."

He said Transkeian representatives had been approached by many Cape Town employers seeking to register their workers. This indicated

that work was available for many unregistered Transkeians, and that difficulties experienced in obtaining work permits were largely due to official policy.

If the people were here "illegally" the proper course for Transkeian representatives to take would be to try to secure legalization of their presence, in which case the people would not be repatriated.

But it was unlikely that the Western Cape Administration Board would allow these people to remain in the area for long, Mr Socikwa said.

"The problem is you will find that many of these people came here to work and the board will not allow them to do so."

Brigadier Van der Westhuizen said a further 200 people had been arrested yesterday for being in the area without permission. Of the 1 000 arrested, 300 had been evicted from the Langa hostels.

Commenting on the fact that the people had been left homeless in mid-winter, he said the hostels had to be made available to contractors who had undertaken to upgrade them for use by families now on the waiting list for accommodation.

"The people were not just kicked out. We have been working on the hostels scheme for about two years and the people staying there knew we were coming. We let them know, but they still stayed there."

● Interviews with officials, page 11



# FOCUS

## Mrs Mxanda tells her story but where does she go to now?

### ROB MEINTJES

AGAINST a backdrop of drifting teargas smoke and hundreds of scattering figures, a crowd gathered last week around a small group seated on open land between Crossroads and Nyanga.

At the core of the circle a Xhosa woman, Mrs Nowinothi Mxanda, was telling her story, assisted by a volunteer interpreter.

Mrs Mxanda is one of the hundreds left homeless after being evicted from the "Zones" hostels in Langa for residing there "illegally".

### Piece of land

On Tuesday about 700 of these people occupied a piece of land adjoining Crossroads.

Before dawn on Thursday police swooped on the new settlement, arresting hundreds of people. On Friday morning they arrested more people who had erected dwellings on the open land adjoining Crossroads.

People listened quietly as Mrs Mxanda told how she came to Cape Town in 1958 to be with her hus-

band who was working there.

"Nature being nature she also wanted children," the interpreter explained Mrs Mxanda had six children. At first the family lived in a shanty town on the outskirts of Cape Town "because in those days the law was strict — no women were allowed to be at the single quarters". Mrs Mxanda has never worked, but her husband managed somehow to support her.

### Many others

Later they moved to the "Zones" hostels in Langa together with many others who were in the area "illegally".

A few days ago they were chased out of the hostels.

Mrs Mxanda said they asked board officials "What must we do? We have no place to stay".

"The officials said 'you have to go back to where you belong'. They asked us where we slept yesterday 'In the bushes', we said 'Then you can go back to the bushes', the officials said "So we came back here," she said.



● Mothers and children listen to Mrs Nowinothi Mxanda's story

"We came here without anything. But there were good people who gave us tents. We thought the office of the board would help us but there was no help. We hoped they would allow us to stay here like the people of Crossroads."

On Wednesday night they made fires and sang. Then the police arrived.

"They arrested people and they were rude. They handled people like dogs — than humans handle dogs better than humans."

"Now everything is upside down. They keep on arresting people."

"What was it like back home in the Ciskei?"

"Let me answer that question for you," said the interpreter.

"When they start to talk about these homelands it makes me sick. Those who call themselves leaders in the homelands — as long as they eat bread with butter they do not care for the sick. People are still starving in the Transkei and Ciskei. There is no work, I have been there myself and I tell you there is no work. Fathers leave wives and children to starve there and come to work in the cities."

"I do not think the boards or the police have a chance — because they are doing the law."

"The man behind all this is Dr Koornhof (Minister of Co-operation and Development)."

### Lot of people

"You must help me make this application to Dr Koornhof because it seems that a lot of people may die."

"We want Dr Koornhof to do the same for us as he did for Crossroads. Like the people of Crossroads, these people from Langa have no rights."



# Not barbarians, says magistrate

By CLARE STERN

"WE are not the barbarians people say we are. We do sympathize with these people."

With these words, Mr Lionel van Wyk, commissioner in charge of the Langa Court, denied accusations that he had made insensitive comments earlier this year during pass-offence hearings.

Referring to a report that he said "We are starving in Cape Town — you can rather starve at home" to a woman who claimed she had come to Cape Town to work because people were starving in the homelands, Mr Van Wyk said:

"This is totally out of context. I always look for some mitigating factor to take into consideration. Of course I sympathize with anyone who claims to be starving. But in these courts this has become

a general excuse — that people are starving in the homelands. Everyone says that. If we took that as a mitigating factor, we would have to let everyone go and there would be no sense in having a court.

"If a person can prove he or she came to Cape Town to receive medical treatment, which means providing a medical certificate — there is no sense in coming from the Transvaal, for example, for a headache — this is a mitigating factor. But coming here merely to work is no mitigation. This is why we have influx control. Without it, employment facilities would get saturated.

"In the case of this specific

woman, I could find no mitigating circumstances. She had not tried to get permission to come here and she had not come for medical treatment. In my summary I said: 'You said you came to Cape Town to look for work. You tell me you have not found work in five months. How do you make a living in Cape Town?'

"She told me she went from person to person begging. I said if she had been starving in the homelands, I could not see the sense in her coming here. If she primarily came here to seek work and had not found it yet, it meant she was also starving in Cape Town. My words were 'Wouldn't it be better to stay at home where at least you are among your family and not in a hostile environment?'

Mr Van Wyk said that by "hostile" he implied an environment where she was hassled by inspectors, where she knew no one and had no fixed abode. Such a person had a good chance of "walking slap bang into an inspector who will arrest her."

Mr Van Wyk said he wanted to put the record straight about another so-called "racist comment" he was alleged to have made in court, where he was quoted as saying to a woman who was living in crowded quarters, "You must be sleeping on top of one another." He said this, too, was out of context. The woman was the sixth case he had seen in a row. All of these people were living with their children in a 10-by-10 room (single quarters for men) and sleeping in two beds.

"I told her I could not understand how 16 people could live in one room and said that they must have been sleeping on top of each other. I was implying that it must have been like sardines in a can, or standing upright like matches in a box."

## 'Same excuses'

Mr Van Wyk said he did all in his power to give people who were tried on pass offences a fair deal.

"We also work under pressure, and we hear the same stereotyped excuses all the time. Sometimes there are up to 50 people in a cell. Orderlies at the cell door hear what one says to the other after a court appearance — a very general excuse is that they have come to Cape Town for medical treatment. One tells the other that it is better to say this if they want a R30 fine instead of a R60 fine.

"If I do make certain comments, which by the way often draw laughs from the public in court, 90 percent of whom are black, it is with a purpose — to show them that a certain argument, heard time and time again, carries no weight. But my purpose is not to draw laughs, merely to educate the public."

As a magistrate he had to be impartial, but he felt sorry for anyone in a genuine predicament.

## Outcry

Asked how he felt about the recent Langa raids in such cold wet weather, he said "If it had happened in September, there would have been an outcry that is was shortly before Christmas. In February it would have been that winter was approaching."

"I've been in this department 32 years and on this Bench eight years. After hearing 120 000 excuses, surely by now I can generalize. I do sympathize when children are involved. But mothers are responsible for their children yet they still bring them to Cape Town."

"If a child should act as a free pass and 90 percent of these mothers have children, then 90 percent would go free. As long as children can flow in without permission, there is no sense in the law."

## 'I was quoted out of context' — prosecutor

By CLARE STERN

MR JASPER FOURIE, the senior prosecutor at the Langa Commissioner's Court, yesterday denied that comments he made while trying African people last week were racist.

In an interview, he told the Cape Times "I have been asked by the commissioner to submit a report on my comments. These comments were quoted in newspapers out of context."

Mr Fourie denied that he had told a woman charged with being illegally resident in the Cape Province that "only donkeys, cows and baboons don't need to carry passports."

"I used the expression 'beeste, bokke en skaape' — cattle, goats and sheep — to make a comparison with which these people are familiar. By tradition they grow up with these animals which are often their livelihood."

Mr Fourie said when the woman pleaded guilty in court, he asked her where her identity documents were. The interpreter told the court she had never applied for them. Mr Fourie noted from the charge sheet that she was 32 and asked her why she had not yet made the application.

## 'Nothing racist'

"When she said she did not have the money, I informed her that one did not need money for the first application of an identity document. I said the law states that everyone in this country, whether white or black or brown, has apply for an identity document at the age of 16. I added 'dit is net beeste, bokke en skaape wat hoef nie dokumente of papiere te dra'."

"There is nothing racist about the matter. How can you bring in an animal and make a racial issue out of it? God knows, I don't."

Mr Fourie also denied reports that he told the woman "I suppose you sleep with a different man every night." He said he asked her where she stayed when she came to the Cape, to which she replied "zone 24."

"These are single quarters which are now being renovated into married quarters. I asked her with whom she stayed, because most of the women in court had told me they stayed either with their boyfriends or husbands who were on contract."

"She replied that she does not stay in the same place every night. I then made the comment 'Oo so dan het jy 'n plan vir elke dag', which seems to have been wrongly

interpreted as 'Oo, so dan het jy 'n man vir elke dag'. I did not say that."

Relaxing over a cup of tea, Mr Fourie's bespectacled, cherubic face broke into a dimpled grin as he talked of his life and his upbringing on a farm in Pietersburg, where he shot his first leopard when he was 18.

## Dentures

"When I was just a toddler I accidentally shot myself in the upper jaw with a pellet gun. It was used for shooting fowl — quite a delicacy in those days — and had been left lying on the ground. When I started crying, my parents noticed a hole in my nostril and thought I'd hooked myself with the front sight."

Mr Fourie said he still had the pellet which had been embedded in his jaw for 52 years.

"I had no idea it was there — through the years the bone around it calcified. I have artificial dentures and the dentist really had to wrangle the pellet out."

Mr Fourie said there was a sure cure for any ailment or trouble — a lead capsule, 9mm in size. In the olden days he said, it was a cure for severe depression and a senior major in Her Majesty's India Army had performed a perfect labotomy with one.

"He was depressed to a standstill. He took out his trusty old service revolver, put it against his temple and fired it. It went right through his head and came out the other side. The moral of the story is you need not die every time you shoot yourself."

## Art treasures

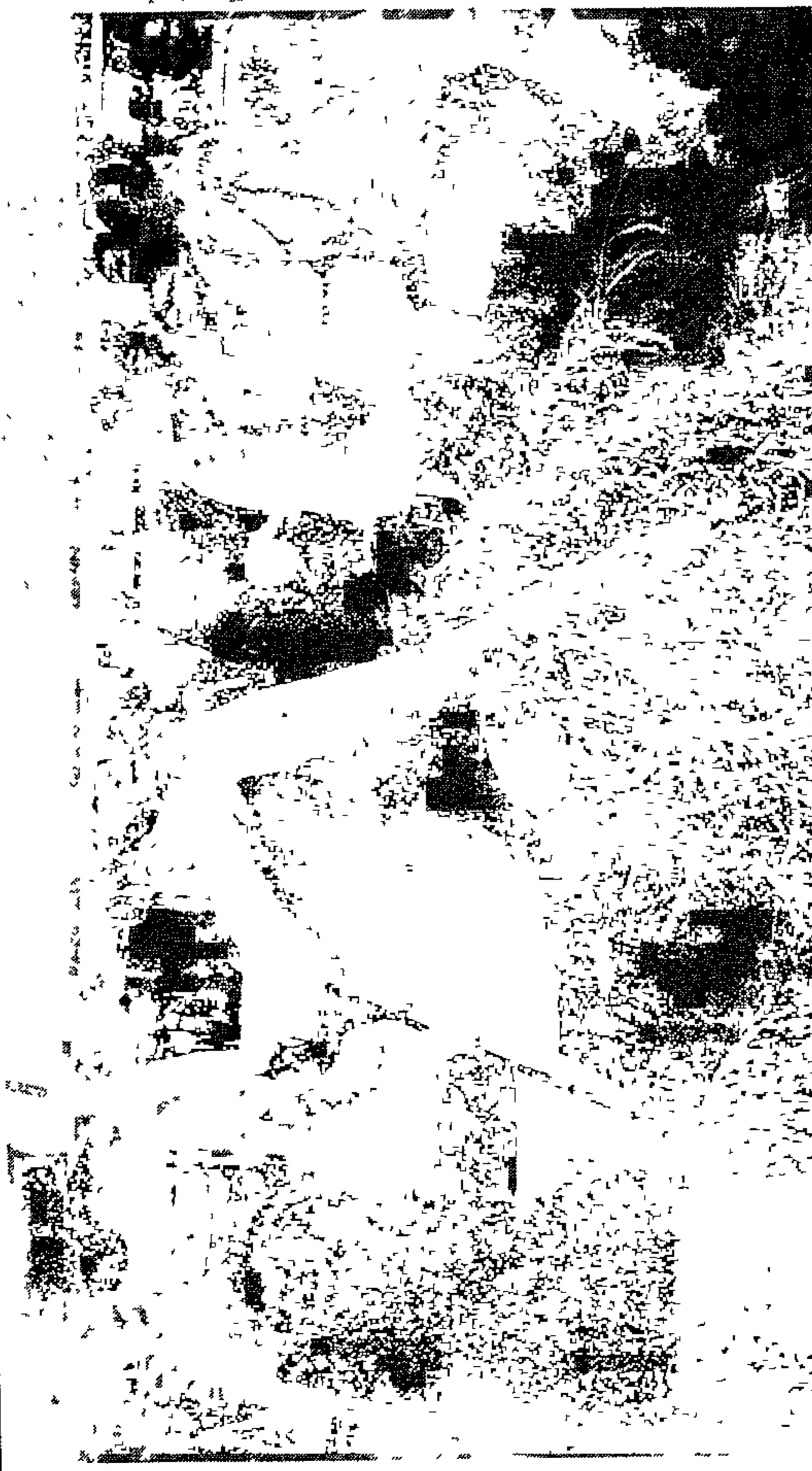
Turning to travel, Mr Fourie said he had no inclination to visit most Western countries, except perhaps Italy, to view its art treasures. "I was also keen to see the Palace of Louis the Sun King until I saw it on television, which spares the feet a lot of walking."

What he had heard of Paris had put him off visiting the city.

"Did you know," he said, "that the biggest squatter camp in the world is just outside Paris. A man I know was flying in to land there when he saw this camp. It is not made of iron and wood, but of cardboard and newspaper. And let me tell you about Amsterdam. There is a square there where these hippies and flower children live day and night, drinking and smoking dagga. No, I have no desire to visit Holland."



# Freedom songs greet evictions



A woman stolidly sits in her branches and plastic shelter near Crossroads as a police captain starts dismantling the structure, until . . .

*Saw nothing remains but the woman still stolidly sitting.* 206

SOWETAN REPORTER

POLICE yesterday swooped on the last 200 of the people who were evicted from the Langa barracks in Cape Town last week and have since slept in the open

The crowd offered themselves to the police willingly singing freedom songs

Police arrived at about 1 pm in 21 riot vans and surrounded the area

The people packed their belongings and willingly lined up to enter the vans

Another 100 are still being held and are due to appear in court while others were released last week on bail

It is believed that the Administration Board will bus these people to the Transkei and the Ciskei as they have done in similar cases in the area previously

They have offered free tickets to the Transkei and the Ciskei to these people, but the people un-annusly agreed to refuse the tickets



# OUTRAGEOUS

A National Party politician has described "outrageous" the remarks senior prosecutor, Mr J J Fourie, is reported to have made from the bench during pass law hearings last week.

The storm created by the "offensive" and insensitive comments attributed to Mr Fourie has led to calls for his dismissal from the Langa Commissioner's Court.

The chief commissioner for the Western Cape Mr Timo Bezuidenhout said he would order a departmental investigation into Mr Fourie's reported remarks as soon as possible.

Asked whether the investigation would cover the comments made in May by another presiding magistrate, Mr L van Wyk Mr Bezuidenhout said "I'll go

into the matter

Mr Fourie acting as magistrate at Manenberg Court on Friday, was reported to say to a woman pass law offender "I suppose you sleep with a different man every night."

### SOWETAN Reporter

When the woman told him she had never possessed an identity document his reported reply was "All people whether they are white, brown, black or pink, have to get identity documents when they are 16 years old."

Only donkeys, cows and baboons don't need to carry documents.

The National Party MP for Belville Mr Andre van der Walt said yesterday that if the remarks were correctly reported they were "outrageous". But a prominent black community leader, Mr Windsol Skweyiya, said

The insensitive remarks made by the presiding officer do not surprise the majority of blacks.

"To us these remarks are what apartheid is all about," Mr Skweyiya said. The derogatory remarks would increase their resolve and determination to fight the system he said.

Mrs Val West of the Athlone Advice Office said that such remarks were unnecessary.

This sort of gratuitous remark is an outrageous addition to what people have to go through," she said.

Progressive Federal Party MP for Gardens Mr Ken Andrew, was pleased Mr Bezuidenhout was to investigate remarks allegedly made by Mr Fourie, and hoped he would at the same time investigate those passed by Mr van Wyk.

For presiding officers to

behave in the way alleged is unacceptable at the best of times but in the present volatile circumstances prevailing almost hundreds of angry people who have been rendered homeless it is extremely provocative and dangerous," he said.

Mr Andrew called for everything possible to be done to attempt to alleviate the plight of those being forced to sleep in the rain and cold, irrespective of their ages or states of health.

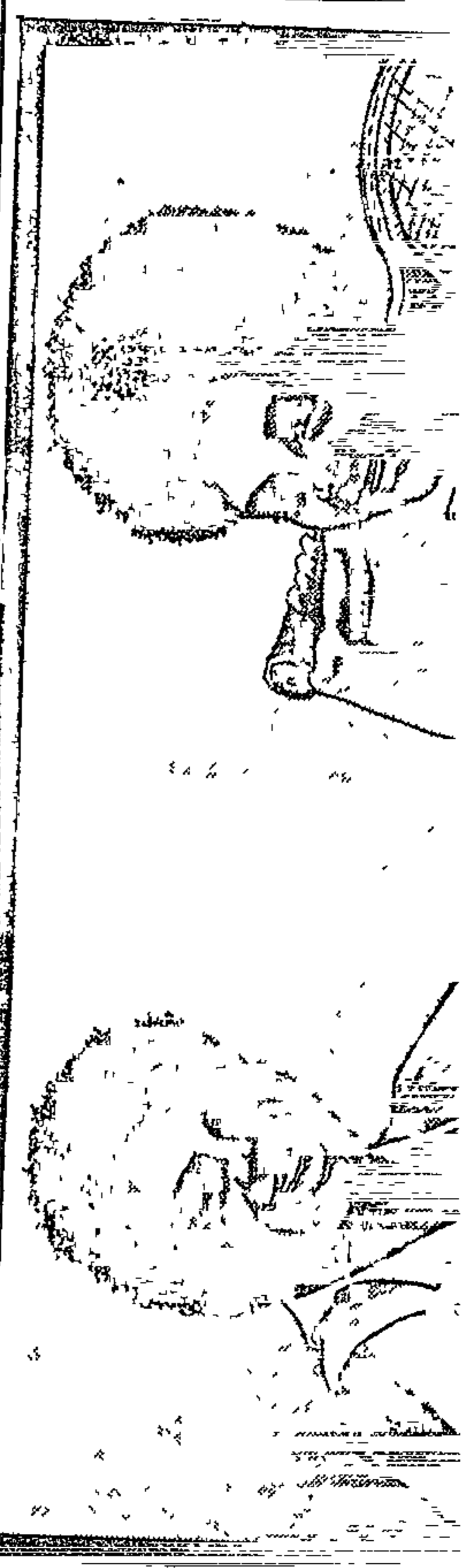
Dr Alex Boraine, PFP MP for Pinelands said

The gratuitous and insulting remarks made by Mr Fourie are an offence to the people appearing before him and to the profession of which he is part.

His attitude adds insult to injury when one remembers the cruel treatment handed out to people who seek only to have shelter and employment.

Suphan 21/7/81

This little girl was found by Mrs Sylvia Kahla abandoned during the pass raid at Nyanga. The baby's desolation graphically depicts that of the hundreds evicted



GOSAS  
bait  
Savexan 21/7/81  
331



# Pass raids condemned by Ciskei, Transkei

DD 21/7/81 (AY 206) 390/105  
ZWELITSHA — Ciskei leaders have condemned remarks attributed to Mr J Fourie, a senior public prosecutor at the Langa Commissioner's Court, during a series of pass law trials

The trials were a sequel to the arrest of hundreds of people who had been evicted from the Langa single quarters because they allegedly stayed there illegally

The Rev W M Xaba, Ciskei's Deputy Chief Minister, said Mr Fourie's remarks not only insulted the woman they were directed at, but also the entire black community of South Africa

The remarks bedevilled attempts to alleviate the polarisation of the various racial groups in the country

Mr Fourie was reported to have said to the woman "I suppose you sleep with a different man every night"

When the accused said she did not have identity documents, Mr Fourie allegedly said "Everyone had to have documents. Only donkeys, cows and baboons don't need to carry documents"

Mr Xaba said the raid which resulted in the trials spoke eloquently of the "cruelty of apartheid".

Chief Minister L L Sebe has condemned the pass raids, saying the

presence of the alleged pass law offenders in the Western Cape resulted from the lack of employment in the national states

He said the creation of more job opportunities in the homelands was one way of circumventing the "tragedy of pass raids," as people from the homelands would find employment in their own areas and therefore not go to urban areas to make a living

"The South African Government must speed up the development of the black national states and inject enough capital there for their development projects," he said

Mr Xaba said the raids illustrated fully "that separate development has failed"

He said the South African Government concentrated all its development resources for black people on urban areas, "leaving the homelands barren of both development and opportunities for its people"

He said black people were justified in looking suspiciously at the South African Government's prosperity projects

"The arrangement prescribes that factories will be put up in the townships and urban areas, whereto our people will again flock and the dangers of the pass raids

will always be an ever present element," he said

"This is all hypocrisy," Mr Xaba added

Both he and Chief Sebe said that in terms of the Ciskei's agreement with South Africa, no Ciskeians could be repatriated to the Ciskei unless there was first negotiation between the two governments, which might see the justification for the repatriation

The Transkei consul, Mr A L Socikwa, yesterday deplored the fact that the Langa evictions had taken place in mid-winter

He said he had gone to the hearings last week to ask for a list of Transkeians arrested. He was told that most of those arrested had failed to produce identity documents which would have revealed where they came from, and that fingerprints had been sent to Pretoria

"If these people have to be repatriated it should at least be done in an orderly and humane fashion — not that we approve of them being repatriated," he said

He said Transkeian representatives had been approached by many Cape Town employers seeking to register their workers. This indicated that work was available and that work permit difficulties were largely due to official policy. — DDR

# Reports on events at Langa questioned

Angus 2/7/81

240 206

154

THOUGH it had no reporter on the scene, Die Burger, National Party organ, has questioned reports in Cape Town's English-language newspapers on events in Langa on Thursday when police dispersed a crowd outside the Commissioner's Court with teargas.

The newspaper said the reports totally contradicted its own reports based on interviews with two officials

## 'RIOTOUS'

Die Burger quoted the Chief Commissioner of Police for the Western Cape, Brigadier D B Nothnagel, as saying the crowd of about 800 were threatening to storm the court and free arrested people. Mr L van Wyk, magistrate at the court, was reported as saying the police were called in when the crowd became 'riotous'.

Asking 'what are the facts?' Die Burger's main leading article yesterday said The Argus report described the crowd as peaceful and showing almost no hostility. Whose version must be believed?' asked the paper

## DIFFICULT

It found it difficult to believe that the two officials were wrong in expecting a storming of the court and in believing the crowd was riotous. It was just as difficult to believe that Cape Town's two 'Prog-papers' deliberately suppressed these important facts

The net result was alarming Burger readers had reason to think the police action was justified. Argus readers must think the police had no reason to use tear gas

'We in this country cannot go on like this,' concludes Die Burger

## TENSENESS

The Argus in all its reports emphasised the tenseness of the situation at Langa

The order to fire, we reported, came after several tense hours in which the police insisted that the crowd of about 800 — mainly women and children — clean the area immediately in front of the court

On the following day The Argus reported that the crowd had behaved peacefully outside the court the day before. Throughout the tense day almost no hostility was shown. Journalists, church representatives and police moved freely without threat in the crowd. Later in the report there was reference to growing tension

The Argus crime reporter was in the crowd for more than six hours. He heard no threats and in his view there was no sign that the crowd intended to storm the court building

Die Burger had no representatives at the court at the time of the police action or in the hours preceding it

Mrs D. Bishop, MPC for Gardens and Mrs Joan Grover, chairman of the Black Sash, who were in the crowd when the tear smoke was fired, said today they would sign sworn statements that there was no threat by the people to storm the court

'Moments before the police fired the tear smoke there was absolutely no hostility in the crowd,' Mrs Bishop said

'They were clearly there to show their solidarity with those who were arrested. It was a peaceful demonstration'

Mrs Grover said the firing of the gas canisters had come as a complete surprise to her. 'I would not have stayed in the crowd if I felt it was dangerous or they were threatening violence'

Mrs Bishop's husband, Brian, a representative for the Civil Rights League, was one of the people who negotiated with Captain Odendaal, the police officer in charge at Langa on Thursday

## INCORRECT

I told Brigadier Nothnagel on the telephone when I called him from the court that Captain Odendaal's report that the people were threatening violence was incorrect

'He accepted an incorrect story and then passed it on to a newspaper in a form that was once more exaggerated' he said

On Saturday Die Burger published a report about 'Princess,' the baby found abandoned after the raid early on Thursday morning

The report said the baby was saved by a police officer from being trampled by the crowd

## NO DANGER

The incident was witnessed and photographed by several newspapers and an overseas television unit and at no time was the child in danger from the crowd, said The Argus crime reporter

Brigadier Nothnagel was not available for comment today as he is on leave.

Mr van Wyk said the police had been called last Thursday when the workings of the court were disrupted by an unruly crowd outside the court building

## INTERVIEW

In an interview at the court yesterday he said he heard it said the people wanted to storm the court building to free the arrested people.

Asked whether there had been any overt hostile action by the crowd, he said there had been none but 'one doesn't wait for it actually to start.'

He said the police were called earlier in the day when the groups of singing women began to congregate near the court



In discussing disease statistics it is necessary to distinguish between hospital disease data, which may be relatively limited, and more potentially useful epidemiological statistics. The problem is that often epidemiological data seem to be collected more for their own sake, frequently by staff of the medical faculty (often expatriates) who return to the countryside from time to time to do a survey of the level of anaemia or malaria in one or other part

connection with any planned are often collected without them except for the writing means of instructing medical techniques. In practice in difficult to link data collected against specified diseases. the setting up of epidemiology may not be a bad thing in virtually impossible to get disease control programmes. disease statistics can best ongoing campaigns or activities some preliminary data are activities but it is probably more than enough data in preventive health activities. Further collection of disease to those areas for which active programmes are planned.

Priority areas need to be selected and assessment should then be made of the knowledge needed to carry out any particular programme. Such an approach would be eminently more satisfactory than the more usual one of looking at a body of (theoretical) knowledge to determine the next pieces of data needed for the further development of that particular body of knowledge, even in the absence of any plans to utilize the material as it developed.

# Women, children arrested

Aug 20/7/87

206

POLICE and Administration Board officials in 24 vehicles surrounded women and children camping in the open at Nyanga today and arrested them.

This was the fourth raid in less than a week on the people evicted from the Langa hostels. Since the families moved to land near the Nyanga Administration offices last week their shelters of iron, plastic and tree branches have been repeatedly broken down by board officials supported by police.

In today's raid dozens of policemen watched as mothers with babies strapped to their backs were taken to police vans. As they were driven away the women began singing and the noise of crying babies could be heard.

## EPILEPTIC BABY

Among the women arrested today was a mother with an eight-month-old epileptic baby. One of the women arrested yesterday was loaded into a van with her cerebral palsied child. Roman Catholic community worker Mary Sili said: 'We are terribly worried about the children. What effect will it have on that cerebral palsied child to be taken off to jail?'

A group of men and women who watched the raid said they were determined to stay in the area until the authorities did something about their plight. They could move in with friends but they wanted to remain in the open until their presence was made legal and they are given proper accommodation.

Several women left in the area said all their possessions had been removed by the board officials and all they had left were the clothes on their back.

Mr James Wupula said his wife and three children were arrested on Friday and he did not know where they were. 'I've looked at all the police stations but I can't find them. I'm just sitting here waiting till they come back.'

Mr Patrick Mini said he was qualified to live in Cape Town but had been told there was no accommodation for him and his wife. 'Now I've got accommodation. I took the rent card to the office and said they must allow my wife to live with me. I tried to contact a board official but before I could see him they arrested my wife. She's gone. I don't know where they took her.'

Like other men he was waiting for his wife to return.

# Transkei envoy hits at Langa evictions

**Own Correspondent**  
CAPE TOWN — The Transkei  
Consul, Mr A L Socikwa, was  
hit out at the eviction of  
hundreds of Black women and children from  
the "zones" hostels in Langa  
during the coldest and  
test winter experience in  
years.

About 1 000 people — mostly  
Transkeians — have been ar-  
rested in the past week for  
being in the Cape Town area  
"illegally".

Brigadier J H van der Westhui-  
zen, chairman of the West-  
ern Cape Administration  
Board, said a further 200  
people were arrested yester-  
day for being in the area  
without permission.

Of the 1 000 arrested, 300 were  
evicted from the Langa hos-  
tels, Brigadier van der  
Westhuizen said.

"This is an indication of how  
serious the situation is  
that so many people are  
here illegally."

Commenting on the fact that  
the people had been left  
homeless in mid-winter, he  
said the hostels had to be  
made available to contrac-  
tors who had undertaken to  
upgrade the hostels for use  
by families now on the wait-  
ing list for accomodation.

## Stayed on

"The people were not just  
kicked out. We have been  
working on the hostels  
scheme for about two years  
and the people staying there  
knew that we were coming.  
We let them know, but they  
still stayed on."

Makeshift shelters subsequent-  
ly erected by the homeless  
people near Crossroads have  
been demolished by police.  
Hundreds were arrested and  
tried in the Langa commis-  
sioner's courts for being in  
the Cape Town area without  
permission.

Mr Socikwa yesterday deplored  
the fact that the evictions  
from the hostels had taken  
place in mid-winter. He also  
said some of the hearings in  
the commissioner's courts  
had been conducted at night  
when it was bitterly cold.

Mr Socikwa said he had gone to  
the Langa hearings last  
week to ask for a list of  
Transkeians arrested in the  
police raids. He was told by  
officials that most of those  
arrested had failed to pro-  
duce identity documents  
which would have revealed  
where they came from.

in

in fourth

1 year student.  
tzoq Prize

practice.  
subject  
Quantity  
ent of

1 student  
1 Prize

major courses.  
pleted  
has  
1 Prize

nt in :-  
ze  
stitute

o p  
g  
n  
n  
p  
a

FINE

ARCHITECTURE



# 'We're not racists' ... Or barbarians'

RRM 21/7/81

'Mail' Correspondent

Cape Provincial Institute  
of Architects' Prize  
For the best student in :-

Two controversial officials at the Langa Commissioner's Court in Cape Town yesterday hotly denied they had made insensitive remarks about blacks during pass offence hearings.

In an interview with the 'Mail', senior prosecutor Mr Jasper Fourie, whose remarks were reported last week, said "I have been asked by the Commissioner to submit a report on my comments. These comments were quoted in newspapers out of context," he said. Mr Fourie denies he told a woman charged with being illegally resident in the Cape Province "Only donkeys, cows and baboons don't need to carry passports". "I used the expression 'beeste, bokke en skaape' — cattle, goats and sheep — to make a comparison with which these people are familiar. By tradition they grow up with these animals which are

Langa's prosecutor denies insult

*(Handwritten initials)*

often their livelihood". Mr Fourie said that when the woman pleaded guilty he asked her where her identity documents were. The interpreter said she'd never applied for them. Mr Fourie noted from the charge sheet that she was 32 and asked her why she had not made the application. "When she said she did not have the money, I informed her that one did not need money for the first application for an identity document. I said the law states that everyone in this country, whether white or black or brown, has to apply for an identity document at the age of 16. "I added 'dit is net beeste, bokke en

skaape wat hoef nie dokumente or papiere te dra'.

"There is nothing racist about the matter. How can you bring in an animal and make a racial issue out of it? God knows, I don't."

Mr Fourie also denied reports that he told the woman "I suppose you sleep with a different man every night." He said he asked her where she stayed when she came to the Cape, to which she replied "Zone 24".

"These are single quarters which are now being renovated into married quarters. I asked her with whom she stayed, because most of the women in court had told me they stayed either with their boyfriends or husbands who were on contract."

"She replied that she did not stay in the same place every night. I then made the comment 'Oo, so dan het jy 'n plan vir elke dag', which seems to have been wrongly interpreted as 'Oo, so dan het jy 'n man vir elke dag'. I did not say that".

Commissioner in charge Mr Lionel van Wyk unequivocally denied his alleged remarks. "We are not the barbarians people say we are. We do sympath-

Out of context, says top official

use with these people."

Referring to the report that he had told a woman who said she had come to Cape Town to work because people were starving in the homelands "we are starving in Cape Town, you can rather starve at home" — Mr Van Wyk said "This is totally out of context. I always look for some mitigating factor. Of course I sympathise with anyone who claims to be starving but, in these courts, this has become a general excuse — that people are starving in the homelands."

"If a person can prove he or she came to Cape Town to receive medical treatment, which means providing a medical certificate — there is no sense in coming from the Transvaal, for example, for a headache — this is a mitigating factor."

"This is why we have influx control. Without it employment facilities would get saturated."

"In the case of this specific woman, I could find no mitigating circumstances. She had not tried to get permission to come here and she had not come for medical treatment."

"In my summary I said 'you said you came to Cape Town to look for work. You tell me you have not found work in five months. How do you make a living in Cape Town?'"

## Hassled

"She told me she went from person to person begging. I said if she had been starving in the homelands, I could not see the sense in her coming here. If she primarily came here to seek work and had not found it yet, it meant she was also starving in Cape Town."

"My words were 'wouldn't it be better to stay at home where at least you are among your family and not in a hostile environment?'"

Mr Van Wyk said that by "hostile" he implied an environment where she was hassled by inspectors, where she knew nobody and had no fixed abode.

Mr Van Wyk said he wanted to put the record straight about another "racist" comment.

He was quoted as saying to a woman who was living in crowded quarters 'you must be sleeping on top of one another'. He said this, too, was out of context. The woman was the sixth case he had seen in which all the people were living with their children in a 10 by 0 room (single quarters for men) and sleeping in two beds.

## 'Sardines'

"I told her I could not understand how 16 people could live in one room and said that they must have been sleeping on top of each other. I was implying that it must have been like sardines in a can, or standing upright like matches in a box."

Mr Van Wyk said he did all in his power to give people who were tried on pass offences a fair deal.

We also work under pressure and we hear the same excuses all the time. Sometimes there are up to 50 people in a cell. Orderlies hear what one says to another — a very general excuse is that they have come to Cape Town for medical treatment.

"One tells the other that it is better to say this if they want a R30 fine instead of a R60 fine."

"If I do make certain comments, which by the way often draw laughs from the public in court, 90% of whom are black, it is to show them that a certain argument, heard time and again, carries no weight."

# Woman wins right to be with husband

She  
22/7/81  
206

**By Rashid Chopdat**  
Mrs Mafiri Maria Mhlongo (40) can live with her husband in Johannesburg legally and her reference book should be endorsed accordingly, a Rand Supreme Court judge ruled yesterday.

Mr Justice Goldstone ordered, the West Rand Administration Board (Wrab) and its related office, the Municipal

Labour Offices (MLO) to pay the costs.

The judge directed the Registrar "to communicate the court's displeasure" to the Minister of Co-operation and Development and Wrab over Wrab's actions in forcing the applicant to apply to the court for relief.

Mr Slika William Mhlongo of Pimville, Soweto, applied for an order declaring that his wife was entitled under the Black Urban Areas

Consolidation Act 25 of 1945 to reside with him in Johannesburg, and, directing the MLO to endorse her reference book to that effect.

In an affidavit, Mrs Mhlongo said she arrived in Johannesburg in 1959 and had since lived here with her husband.

She said: "On two occasions during 1974 the MLO placed an endorsement in my reference book granting me 'permission' to remain in the prescribed areas for the purpose of 'visiting' my husband."

In 1980 she asked the MLO to endorse her reference book recognising her rights.

"After various visits to the MLO in New Canada, on August 21, 1980 an officer placed an endorsement in my book requiring me to leave Johannesburg within 72 hours," she said.

In January she took a lawyer's letter to the MLO in Albert Street, Johannesburg, where a Mr Pretorius refused to give her an appropriate endorsement.

Mr Mhlongo said they lived in Pimville with his uncle, Mr B Maseko, who had suitable accommodation for them and who wanted them to stay with him.

The MLO was disputing his wife's right to remain in the area though he was entitled to live in Johannesburg.

PLANNING  
REGIONAL  
URBAN &

For the second best student in the

C W von Düring

subject of Building Construction.

For the best student in the  
S A Brick Association Prizes

III: No award

II: A R Low Keen

I: N D G Sessions

fifth years respectively.

For the best student in each of  
the courses of Building Economics I,  
II and III in the third, fourth &

LTA Prizes

P R Swift

Professional Practice.

the highest marks in

For the student obtaining

Surveyors' Prize

Cape Chapter of Quantity

The Committee of the Western

P C Key

in any year of study.

For the best all-round student

Bell-John Prize

(Continued)

QUANTITY  
SURVEYING



Judgment  
No. 22/7/81  
endorses

residential  
rights

Chief Reporter

A vital judgment in the Rand Supreme Court has endorsed the right of blacks in urban areas to enjoy a family life if one of the parents has section 10 rights in terms of the Black Urban Areas Consolidation Act

Mr Justice Goldstone yesterday ordered that Mrs Mafiri Mhlongo be allowed to remain with her husband, Mr Sileka Mhlongo, in Pimville, Soweto. Mr Mhlongo has lived in the Johannesburg area since 1951.

The judge rebuked the Minister of Cooperation and Development, Dr Koorhof, for allowing officials of the department to separate the two.

Mrs Sheena Duncan, director of the Johannesburg advice office of the Black Sash, estimated that the office had dealt with 150 similar cases in the past year.

In August last year, the Appellate Division ruled that wives, unmarried daughters and sons under 18 be permitted to reside without a lodger's permit, provided one of the parents had rights under section 10 of the Black Urban Areas Consolidation Act.

This section gives urban residential rights to blacks who were born in an area and have resided there lawfully for 15 years or have worked for a single employer for 10 years.

After last year's ruling, Dr Koorhof said each case would be judged on the facts.

Mrs Duncan said West Rand Administration Board officials continued to act as if the judgment had not been made.

#### UNDEFENDED

She said cases brought through the Legal Resources Centre to the Supreme Court had not been defended by Wrah. The court had, therefore, not been in a position to pass judgment as it had in the latest case which was defended.

A spokesman for the Department of Co-operation and Development said the department was unlikely to comment before it had studied the judgment.

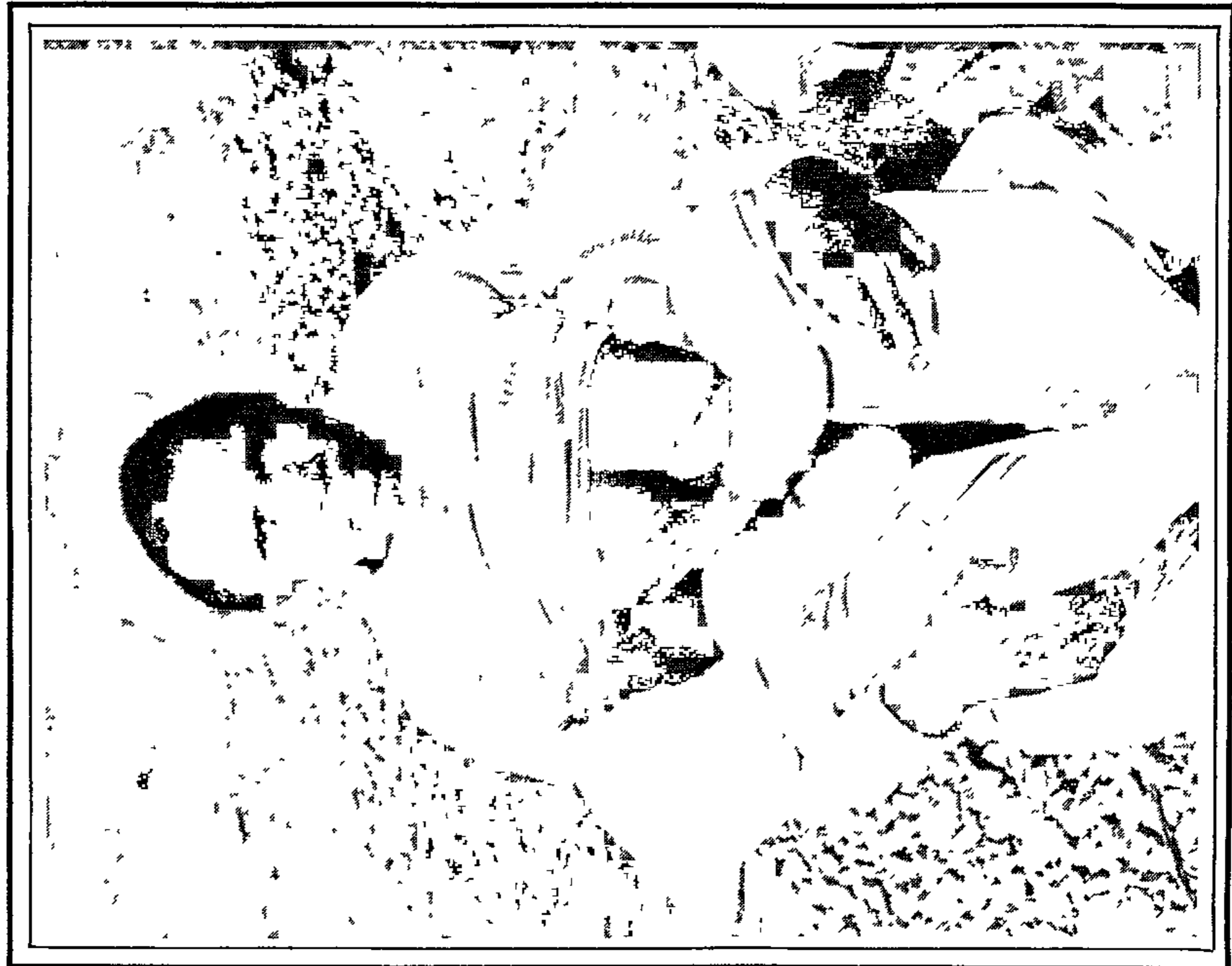
Mr J Knoetze, chairman of Wrah, was unable to comment today.

© Page 7: Woman wins right to be with husband.

206

C.T.

18/1/78



● Serene and pragmatic, the women kept their children clean and fed



● while others sought whatever they could to form shelters



# focus



● Babies, separated from arrested mothers, were left in the arms of the Law.

## Polish bid to avert strikes

WARSAW — The Polish Government had held talks yesterday with representatives of the Lot airline and dockers, in an attempt to avert threatened strikes this week, union officials said.

The talks in Warsaw on the dispute over the appointment by Lot employees of a general manager, the government refuses to recognize, centred on a possible compromise formula, they said.

The government argues that it must have the final say in who is appointed manager of Lot because the airline is part of the defence establishment.

Officials of the Solidarity free trade union said a government team was also negotiating in Szczecin with dockers threatened with

C. Times 22/07/81 206

# Proud, resourceful people — but in need of help

A YOUNG Mowbray mother summed up the sentiments of many when she said "When I heard that we — the only people in the world — were going to be deprived of the royal wedding broadcast, I thought it was totally unfair," she said

"I thought lots of other countries have suffering and evil in them — why should we be the pole-cats? But these evictions are so terrible, I feel as if we deserve to be outcasts I'm ashamed to be part of this society, and I don't know what to do about it"

"Just as we're trying to defend our presence in New Zealand, they go and do this," a Sea Point pharmacist said "It's no wonder we're seen as bad — we are, if we can do that to human beings"

## Action

What can ordinary people do? A feeling of helplessness disheartens many people and stifles the urge to be part of the kindness of this community, rather than part of its passive cruelty

But there are people helping — white, coloured and black — middle class people who have never known such shattering insecurity in their own lives And they say that their presence amongst those who have been rendered homeless

and the more than 1 000 facing legal charges has been warmly welcomed

"It is easier for women," Mrs Di Bishop said "We have never been shown any antagonism — we aren't seen as a threat For men it is more difficult, but it is very important that women and more and more men show that they care These people do appreciate it"

Mrs Bishop, Progressive Federal Party Provincial Councillor, for Gardens, has been working with various organizations including the Black Sash and the Women's Movement for Peace, both of which have been helping in the townships

Mrs Barbara Versveld of the Black Sash said their most urgent need now was for Xhosa translators and for observers at the courts where people are being tried on pass charges. She, and various others, said that such a presence was welcomed and definitely benefited those charged Sentences tended to be more lenient and the treatment of the people a little more humane, they said

Anyone who can attend court hearings can call

the Athlone Advice Office (☎ 69-3150) for more information, or go to the Langa court at 9 am No permits or special permission are needed

Mr Brian Bishop, Di Bishop's husband and chairman of the Civil Rights League, working with the Roman Catholic Commission for Peace and Justice, has been closely involved with the township people as well He stressed the need for the presence of outside people at the courts and at areas where families were left homeless

He, and many others who have been working with these people, said they were awed by the calm dignity and the tremendous spirit of mutual help amongst those in trouble There has been no appeal for help from the community itself, but he suggested that warm clothes, sleeping bags or tents, blankets, contributions of food and even just sheets of plastic to give some protection from the wet would all come in useful

"Drop them off at the nearest church," he suggested "They will be passed on if you do"

Mrs Mompoti Ramotsamai or the Women's Movement for Peace said such contributions would definitely be of help, and said, "People need have no fear about the way they are used — they will be shared fairly There is a really wonderful spirit of trust amongst these people and they have organized themselves very, very well to help one another"

"These are incredible people," Mr Bishop said "Even as the officials came at them the women sat calmly holding their babies, with no bitterness on their faces They were serene, singing"

With parents being hustled away to gaol and shelter's broken up by the Administration Board officials, there was deep concern for the children. Babies were left crying, their mothers unknown, and older children were left alone in the night Where are they now?

There was no sign of them at the Langa Place of Safety, where the staff already had their hands full with their 14 charges,

in need of clothes and blankets It appeared they had been absorbed into the community, taken in by relatives or strangers, probably already hard pressed for food and space

Those working at Crossroads and at Langa and Nyanga this past week say they have encountered a proud self-reliance "I think they have decided their time has come," one woman said

## Poverty

But aside from the evictions, and even for those with the legal right to stay in Cape Town, there is poverty, and material aid could be used

Bishop Stephen Naidoo who has been coordinating discussions between the different groups involved; said that apart from the money — possibly over R60 000 in bail and fines — clothes, blankets, food, etc are needed

He said that those wanting to help could call the Catholic Welfare Bureau at ☎ 43-1232 The bureau is linking the efforts of various churches and other organizations, and will be able to advise on what is needed most



CT 22/7/81 (206) 340  
114

# Arrest of squatters Gestapo-like — lawyer

## Cape Flats evictions deplored

Staff Reporter

A LAWYER yesterday described the arrest of squatters near Crossroads at 3am last Thursday as "Gestapo-like" and described a visit he had paid to the place they had been staying as a "sad experience"

Acting on behalf of the Athlone Advice office, Mr Jo Nesor was defending one of those arrested, Miss Nomakhwezi Fiona Chiliba, against charges of being in the Peninsula without permission and of not possessing or failing to produce identity documents

She was found guilty of the first charge and fined R60 (or 60 days) On the second count she was cautioned and discharged

Chiliba, 35, told the court she had four children, ranging in age from 7 to 13 Three of them were staying with relatives in Transkei, which she had left in 1968 to seek employment in Cape Town, while her 9-year-old child was with her in the Peninsula because he was an epileptic and required regular treatment

Hospitals in Transkei and Queenstown, she said, had been unable to cure her son and he had been referred to the Eben-Donges Hospital in Worcester After unsuccessful treatment there she had been advised to take him to

the Red Cross Hospital

But the last she had seen of her son was when the police had arrested her on Thursday morning

Describing the arrest, Chiliba said the police had arrived in vans and ordered everyone to get in

Because she was scared she had obeyed without fetching her son who was sleeping nearby She had, however, told policemen about him and been assured that he would be taken care of

Her eyes filling with tears Chiliba said she had no idea where her son was or what had happened to him

Miss Chiliba emphasized that she had identity documents, including a stamp to prove that her son was undergoing medical treatment, but that police had not asked for these documents when they arrested her

She had left them behind along with her other personal possessions in a suitcase which was now missing

Mr Nesor argued that it could have been burned by Administration Board officials during a clearing operation they had conducted in the area since the arrest

He called Mr Nic Koornhof, a cousin of the Minister of Co-operation and Development, Dr Piet Koornhof, who

had been present, to the witness box to testify in support of this contention

Mr Nesor said Miss Chiliba should be found not guilty "in the light of justice and the future of our country"

At this point he was interrupted by the magistrate, Mr L van Wyk, who said it was not his job to get political and attempt to arouse the sympathy of the court

"We have wasted enough time with this case already," he said

Mr Van Wyk said he sympathized with "these people, but I am not in a position where I can get involved"

He said the fact that Chiliba's son was getting medical treatment in Cape Town was a secondary reason for her being in the area, the original reason being that she came to seek work

● Special courts were set up at the police stations in Manenberg, Guguletu, Bishop Lavis and Athlone yesterday to deal with people arrested in a pass law raid near Crossroads on Monday

A total of 125 people were remanded till August 4

THE chairman of the Cape Western Region of the SA Institute of Race Relations, Sir Richard Luyt, last night issued a statement on behalf of the institute "deploring the callous manner in which countless Africans on the Cape Flats have in recent days been uprooted and evicted from their homes and shelters in the middle of a severe Cape winter"

The statement read "The regional committee of the Institute expresses its sympathy with the uprooted people and warns against the hurt to race relations which can occur as a result of such action, which will inevitably be interpreted as a heartless assault on the African community"

The institute appealed "once again" to the authorities not to force people to move until alternative accommodation was available or until it has been established that shelter and employment were available in the areas to which they are sent or expected to go

## Court permits a hunt for suitcase

Staff Reporter

AN OPEN piece of land near Crossroads was the scene of a brief and bizarre hunt yesterday for a suitcase, said to contain the reference book of Miss Nomakhwezi Chiliba

Given leave by the commissioner at the Langa courts to hunt for the reference book, Chiliba arrived on the open land in an official vehicle, accompanied by a contingent of Administration Board policemen

The official vehicle was accompanied by a sports car driven by Chiliba's two defence attorneys, Mr Jo Nesor and Mr Nic Koornhof, cousin of Dr Piet Koornhof, Minister of Co-operation and Development

Curious onlookers gathered around the small group as Chiliba stopped at a pair of soiled shoes lying on the ashes of an old fire

"Those are my sister's shoes," she said

"Please find your reference book That is all we want," said an Administration Board policeman

Chiliba said that at the time of her arrest on Thursday last week, her reference book had been in a suitcase

police had not given her the opportunity to produce the reference book

Any search would have been complicated by the fact that the bushes were rapidly disappearing under the axes of workmen supervised by members of the SAP and Administration Board police

They had been assigned to clear and burn bushes and wood which had provided shelter for people left homeless last week by official action against people in the area "illegally"

"I will not argue with you," said the policeman "You said your reference book was in the bush — now you say it was in a suitcase"

Chiliba "It was in my suitcase Where is my suitcase?"

Policeman "I am not responsible for your suitcase"

Officials said that if her reference book had been left at the scene in a suitcase it would be impossible to trace it because "several people" had slept in the vicinity since Thursday

Then a man in plain clothes took Chiliba by the arm and escorted her back into the official vehicle



# Onslaught blacks

NEWS 22/7/81  
206  
340

OPPOSITION spokesmen and representatives of 21 community-based organisations yesterday called on the Government to end 'its continued onslaught against homeless and destitute black people'

The representatives met in Crossroads and called for the immediate and unconditional release of those who had been arrested and the abolition of the pass laws system.

Mr Ken Andrew, Progressive Federal Party MP for Gardens, said urgent action to improve the unhappy lot of black people should be implemented 'before it is too late and racial polarisation and mistrust become irrevocable.'

Commenting on the latest arrest of 1 134 people in Nyanga in the past week he said the authorities might well be proud that they had 'tidied up' the area in the best 'tradition of rigid apartheid ideology'.

'But in reality the latest example of heartless social engineering has brought misery to thousands and will have no long term effect of the number of blacks in the Peninsula.'

'On the contrary race relations in the area would have been worsened considerably and the security of everyone in Cape Town threatened rather than enhanced.'

## BASIC RIGHTS

Mr Andrew said the Government must stop deluding itself and its

supporters that it could ignore the legitimate rights of black people to home ownership, family life and basic citizenship rights

'For a Government which calls itself Christian to behave this way is quite unacceptable.'

He said the Government should not fool itself that another victory had been won in its fight to implement its discredited coloured labour preference policy in the Western Cape.

Mrs DI Bishop, Progressive Federal Party MPC for Gardens, said there was no better example of man's inhumanity to man than the arrest of the thousand people in Nyanga in the past week.

Commenting on the arrest of the last 170 people who had been living in an open field in Nyanga, exposed to the cold and rain, Mrs Bishop said: 'We are all enmeshed in a repulsive web of legislation which has a stranglehold on the life of every South African.'

She said the legislation had the cruellest effect on the majority of the population.

## CRUEL

'We have all been individually brutalised by living under this apartheid regime, but most have not been arrested, subjected to cold and wet, to the comfortless prisons and police cells and the stark realities of the Pollsmoor remand yard'

In the statement issued by the 21 organisations it was further said: 'We feel that this is their land therefore they should be given place to stay here.'

## CROSSROADS

The organisations condemned the removal of people from their homes and also rejected statements made by authorities in which they denied they removed shelters at Crossroads, leaving mothers and children in the rain and cold.

It also rejected the statement by authorities that the arrested people had taken the place of permanent residents in the Western Cape.

● See page 21.

# Exper

# sa

# hiking

A CAPE TOWN hiking group survived the rain and snow in a weekend — survived the experienced Mountain the group.

According to Mrs Helen February, a member of the Cape Province Mountain Club, they had used emergency food rationing and special methods of keeping warm to survive the freezing winter weather.

M... February who

ARGUS ACTION

SHE lost more money than weight. Argus Action is on Page 24.

THE ARGUS TONIGHT

FEATURED in Tonight Send-up opera series for the box.



# Court raps Koornhof for trying to keep couple apart



**DR PIET KOORNHOF**  
Court displeased

A RAND Supreme Court judge has rebuked Dr Piet Koornhof for letting his officials try to separate a man from his wife.

Mr Justice Goldstone ordered that Mrs Mafiri Maria Mhlongo, 41, be allowed to stay in Johannesburg with her husband, Mr Sileka William Mhlongo, 39, of Pimville.

He directed the municipal labour officer of Johannesburg, an officer employed by the West Rand Administration Board, to endorse Mrs Mhlongo's reference book to the effect that she is allowed to remain in the prescribed area of Johannesburg.

Mr Justice Goldstone then directed the registrar of the Supreme Court "to communicate the court's displeasure" to the Minister and to the West Rand Administration Board in regard to the board's action which forced the husband to apply to court for the order.

The order followed an application to the Rand Supreme Court by Mr Mhlongo asking that his wife be allowed to stay with him in Johannesburg.

## Endorsement

Mr Mhlongo stated in his application that a board official had told his wife and an attorney that he refused to make the endorsement in her reference book.

In an affidavit before the court Mr Mhlongo said he was employed by Hullett's Metals Pty Limited and its subsidiary, Metal Sales Company Pty Limited, Johannesburg, as a forklift driver. He lived in Pimville, Soweto.

He was born in Durwelskloof in 1932, came to Johannesburg in 1951 and had resided here ever since, he said. Between 1951 and 1970 he was continuously employed at the Johannesburg City Council and the Pepsi Cola company. Since November 15, 1970, he has been in his present employ.

He was qualified to reside in the Johannesburg area and the municipal labour officer of Johannesburg has acknowledged this fact by placing two endorsements to that effect in his reference book.

He was the holder of a "lodger's permit" issued by the West Rand Administration Board on April 14 last year, Mr Mhlongo said.

He married his wife at Johannesburg on April 27, 1977. She first entered the Johannesburg area in 1959 and since

then she has lived with him. From time to time she left the Johannesburg area on visits but each time returned with the intention of permanently residing with him, Mr Mhlongo said.

The last time she entered the prescribed area of Johannesburg in this fashion was during 1980 after she had visited her sick son in Lydenburg.

He and his wife lived with his uncle, Mr B Maseko, Mr Mhlongo said. Mr Maseko has been registered as the tenant of his house by the West Rand Administration Board. There was suitable and adequate accommodation for Mr Mhlongo and his wife in this house and his uncle wished them to stay with him.

The West Rand Administration Board, through the municipal labour officer of Johannesburg, disputed Mrs Mhlongo's right to remain in the Johannesburg area, Mr Mhlongo said.

## No response

On January 8 this year his attorney wrote to the labour officer that his wife was entitled to live in Johannesburg with him. The attorney called on the officer to acknowledge this fact by placing an endorsement to this effect in her reference book. Neither the West Rand Administration Board nor the labour officer responded to this letter except that the labour officer, through a Mr Pretorius, verbally told Mrs Mhlongo and the attorney that he refused to make the endorsement.

Mr Mhlongo told the court that on two occasions the labour officer had placed endorsements in her reference book granting her "permission" to remain in the area for the purpose of "visiting her husband".

During 1980, she tried to regularise her position by requiring the labour officer to place an endorsement in the reference book recognising her rights. After various visits to the labour officer's offices at New Canada an officer placed an endorsement in her reference book on August 28, 1980, requiring her to leave the Johannesburg area within 72 hours.

Mr Justice Goldstone granted the application and expressed his displeasure with the board's actions which forced the husband to have to come to court.

Year.  
ise at the end  
nt who has shown  
ers Award

ilding Construction.  
d best student in the

ilding Construction.  
student in the  
ocation Prizes

ow keen  
Sessions

respectively.  
the third, fourth &  
Building Economics I,  
student in each of

practice.  
rks in  
t obtaining  
ze  
Quantity  
of the Western

study.  
ll-round student

RDM  
22/7/81 Court Reporter



## Plea to treat black trek as emergency

THE Government should view the trek of black people to urban areas as a national emergency calling for extraordinary measures, the Cape Western Region of the South African Institute of Race Relations said today.

In a statement the institute deplored the 'callous manner in which countless Africans on the Cape Flats have in recent days been uprooted and evicted from their homes and shelters in the middle of a severe Cape winter.'

### APPEAL

'The regional committee is aware of the fact that there are Africans who are in the Peninsula "illegally" but appeals to the authorities to treat the consequences of this worldwide phenomenon with humanity,' Sir Richard Luyt, the chairman, said on behalf of the committee.

'It urges the Government to view the trek of the black people to urban areas as the consequence of social and economic forces and to deal with the problem as a national emergency.'

The committee warned that recent Government action would be interpreted as 'a heartless assault on the African community'.

## Dogs problem follows evictions

IN THE wake of last week's evictions and pass raids large numbers of deserted dogs, most of them diseased, are roaming Langa.

Yesterday the SPCA launched a rescue operation to ease the plight of some of the suffering animals.

It was found, however, that not only were there many more apparently deserted dogs than expected, but that most of them were suffering from chronic mange and other ailments.

SPCA chief inspector Mr Ken Annendale, who was leading the operation, said there were dozens of the animals about when they arrived.

'There were so many around that it took only two hours to fill our four vans, and that was with only the extreme cases,' he said.

### PUT DOWN

The 30 animals collected, 17 adult dogs and 13 puppies, were taken back to the SPCA clinic where they were all put down. Mr Annendale said that the advanced stages of malnutrition and disease they were suffering left no alternative.

A second operation will be undertaken by the SPCA next Tuesday using an additional two vans.

## Appeal to aid pass sloop victims

A GENERAL appeal has gone out from welfare organisations in Cape Town for moral and material support for those arrested in the recent pass swoops and for those still living out in the open.

More than 100 are estimated to be living in the veld between Nyanga Magistrates' Court and Crossroads without shelter from the harsh winter weather.

Several courts in the Peninsula are hearing the cases of the more than 1100 arrested in pass law raids by the police and officials of the Administration Board of the Western Cape.

### BLANKETS

Welfare organisations have appealed for blankets, disposable nappies, tinned food, high-protein powdered food and heavy-duty plastic sheeting to alleviate the plight of those living in the open.

The Western Province Council of Churches is acting as a collection point for money to help those arrested pay bail and, if convicted, the fines imposed.

Those wishing to contribute to the fund should send their cheques made out to the African Women's Fund, c/o the Reverend Dan Ulster, Western Province Council of Churches, Cowley House, Chapel Street, Cape Town. Cheques should be clearly marked to show the purpose of the donation.

Mrs Mame Ramotsamai, secretary of the Women's Movement for Peace, said moral support was also very important.

'It is important for people to go to the courts to give support. They could also write letters to the Press and to the Chief Commissioner of the Administration Board,' Mrs Ramotsamai said.

Mrs J K Hare, president of the National Council of Women, said 'I am terribly distressed by the situation. I was there and saw the awful business of officials taking up the trees and bushes where people were seeking a bit of miserable shelter.'

She urged people to contribute, particularly blankets and plastic sheeting.

'If someone is not using a blanket now in this weather, they don't need it. If anyone has spares, I'm willing to collect them anywhere in the southern suburbs,' she said.

Her telephone number is 61-0792.

Mrs Val West, of the Athlone Advice Office of the Black Sash, said the presence of whites in the courts during pass law hearings had always made an enormous difference.

'And even more so now. Hundreds of people are going through every day and an observing presence is very important,' she said.

She appealed also for anyone able to help with transport to contact their office (telephone 69-3150).

'Today, for example, we were contacted by a man whose wife is legally in the area. He said he had seen her at Pollsmoor prison, but there was no trace of her name on the list,' she said.

'It is possible that she is in the prison under a slightly garbled name and someone has driven him out there to try to trace her.'

Mrs West said the court cases, many of which are defended, would be continuing for some time and appealed to people to stay interested over the next few weeks.

Anyone who wishes to give goods for distribution to those camping in the open, can drop them at the following points:

- Catholic Welfare Bureau, 37a-Somerset Road, Green Point
- Women's Movement for Peace, St Saviour's Church, Main Road, Claremont
- See Pages 5 and 21.

## Taxes spent on 'misery'

### Provincial Reporter

IT WAS 'scandalous' that taxpayers' money was being spent to make the lives of hundreds of people a misery, instead of being channelled to helpful projects, Mr Geoff Everingham, chief Opposition spokesman on Cape provincial finances, said today.

On the eve of next week's Cape budget, Mr Everingham, Progressive Federal Party MPC for Pinelands, referred to the arrest of more than 1000 men and women in the Peninsula.

'It is absolutely scandalous that the resources of the State are being employed to make people's lives a misery by arresting hundreds of people in Langa, who appear to be accused of the crime of trying to sell their labour in the land of their birth.'

'It is time for a real change in priorities. We should spend less money on administering people and more on helping them.'

### PAY PRICE

In an interview, Mr Everingham added 'As long as the existing situation persists, the Cape Province will pay the price, the man in the street will pay the price and, above all, the country will pay the price which is incalculable in terms of human relations.'

In assessing the budget, Mr Everingham said it had to be remembered that the bulk of the Cape's revenue came from a Central Government grant. He expected this to exceed 90 percent of the Cape's total revenue in the coming year.

'The fortunes of the Cape are therefore inextricably linked with those of the country as a whole,' he said.

'As long as the National Party persists in implementing its apartheid policy, this is going to have heavy economic consequences.'

Angus  
25/7/81

206  
JFB



CT 2 3/7/81 ~~14840~~ (206)

## 'Drop pass laws' call

A COMMITTEE formed from 21 community organizations to support evicted Langa residents now living in the open near Crossroads has condemned the evictions and called for the abolition of the pass laws and the unconditional release of all those arrested.

The Crossroads Support Committee, which was formed at a meeting in the Nxolo School at Crossroads on Monday night, comprises representatives from trade unions, civic associations, youth movements, student

groups and a women's organization.

A spokesman for the committee, Mr Mxolisi Maqhangeni, said the committee rejected a statement by the police in which they denied removing materials used to build shelters by the people.

"We call for the immediate and unconditional release of those who have been arrested (and) for the abolition of the pass laws which we feel are the cause of this act. We appeal to the community at large to support our people," Mr Maqhangeni said.

SP 23/7/81  
 Wrah 206  
 denies  
 ignoring  
 judgment

Chief Reporter  
 Mr John Knoetze, chairman of the West Rand Administration Board, said today the board was carrying out the law as intended in recent court cases which enabled black families to live together.

This statement follows criticism in a judgment by Mr Justice Goldstone in the Rand Supreme Court this week, directed against Wrah officials.

The judge expressed the court's extreme displeasure at the apparent disregard by Wrah of an Appellate Division judgment last year.

This judgment endorsed the rights of wives, unmarried daughters and sons under 18 to live with parents who had residential rights under section 10 of the Black Urban Areas Consolidation Act.

Mr Knoetze said Wrah was aware of the implications of the court case and was acting in accordance with the judgment. He said there was no need for anyone to apply to the courts as the board was carrying out the ruling.

**RAISE ISSUE**

But Mrs Helen Suzman, Opposition spokesman on urban black affairs, said today she would raise the issue of officials who flouted the law in the coming parliamentary session.

Mrs Suzman said officials of the Department of Co-operation and Development were simply not obeying the law and were going against instructions.

To Page 3, Col 10

SP 23/9/81  
 We execute  
 law. Wrah

From page 1

from their own Parliament

Officials had been indoctrinated over the past 30 years into making life as difficult as possible for blacks in urban areas, she said.

Mrs Suzman asked in Parliament earlier this year whether the department had taken steps to apply the Appellate Division judgment.

The reply from the Deputy Minister, Mr Morrison, was that a circular had been sent to all chief commissioners and administration boards on August 26 last year.

CHEMICAL

- J H Rens
- Civil Engineering
- student in
- examination
- Awarded on
- Professor G
- B F McC
- J H Ren
- D P Wee
- T J Cum
- P M Sal
- Fourth
- Miss N
- Third
- Miss
- Second

For the best student in each of the 2nd, 3rd and final years.  
 Corporation Medals



SPW 23/7/61  
 Wrab  
 208  
 denies  
 ignoring  
 judgment

**Chief Reporter**

Mr John Knoetze, chairman of the West Rand Administration Board, said today the board was carrying out the law as implied in recent court cases which enabled black families to live together.

This statement follows criticism in a judgment by Mr Justice Goldstone in the Rand Supreme Court this week, directed against Wrab officials.

The judge expressed the court's extreme displeasure at the apparent disregard by Wrab of an Appellate Division judgment last year.

This judgment endorsed the rights of wives, unmarried daughters and sons under 18 to live with parents who had residential rights under section 10 of the Black Urban Areas Consolidation Act.

Mr Knoetze said Wrab was aware of the implications of the court case and was acting in accordance with the judgment. He said there was no need for anyone to apply to the courts as the board was carrying out the ruling.

**RAISE ISSUE**

But Mrs Helen Suzman, Opposition spokesman on urban black affairs, said today she would raise the issue of officials who flouted the law in the coming parliamentary session.

Mrs Suzman said officials of the Department of Co-operation and Development were simply not obeying the law and were going against instructions.

Page 3, Col 10

SPW 23/7/61  
 We execute  
 law. Wrab

from their own Parliament

Officials had been indoctrinated over the past 30 years into making life as difficult as possible for blacks in urban areas, she said.

Mrs Suzman asked the Parliament earlier this year whether the department had taken steps to apply the Appellate Division judgment.

The reply from the Deputy Minister, Mr Morrison, was that a circular had been sent to all chief commissioners and administration boards on August 26 last year.

CHEMICAL

J H. Rens  
 Civil Engineering  
 student in  
 examination  
 Awarded on  
 Professor G

B F McC  
 J H Ren  
 D P Wee  
 T J Cum  
 P M Sol

Fourth

Miss N

Third

Miss (

Second

For the best student in each of the 2nd, 3rd and final years.  
 Corporation Medals

FACULTY OF ENGINEERING

# Pass offences: 47 more people in Langa court

CT 23/7/81 (206) (370) (44)

Staff Reporter

THE Langa Commissioner's Court yesterday again dealt with truckloads of people arrested near Crossroads last week and brought from prison to stand trial for being in the Peninsula illegally and not having reference books.

By 4pm 47 people, many of them mothers with infants strapped to their backs, had been found guilty and in most cases fined R60 (or 60 days).

Thirty-six people were remanded, the majority till today and the rest till July 29, August 5 and August 10. Suspended sentences were imposed on four people and 18 were discharged.

Miss Nockocko Sanjani, 26,

was given a suspended fine of R80 (or 80 days) after she told the court how she had last seen her two children, aged 3 and 5, just before last week's Administration Board raid in which she was taken to prison before she had time to fetch them.

They had been sleeping with her sister, she said, but her sister had also been arrested.

The magistrate, Mr L van Wyk, said he found it "impossible" to believe that board inspectors "would just have left them there" in the bush. He suspended her sentence on condition she left the Peninsula immediately.

In another case the court heard that Miss Nomsoliso Khama had come from Lady

Frere in Transkei in 1969 because she could not find employment there.

Now she had work, picking grapes in summer and selling second-hand clothes in winter. The money she earned was sent back to Transkei to support her three children who were staying with her mother.

The magistrate, Mr F. F. Fouché, found her guilty of being in the Peninsula for more than 72 hours without permission and fined her R30 (or 30 days).

"I think you're a bit obstinate in this," he answered when she emphasized that she had no intention of going back to Transkei no matter what the court found nor what sentence she was given.



# Churches

## condemn evictions

Staff Reporter

CITY church leaders have condemned the eviction of families from Langa Barracks and the subsequent arrest of men and women with babies as "callous" and "inhumane".

In a statement issued yesterday, the Anglican Archbishop of Cape Town, the Most Rev Bill Burnett, the Roman Catholic Assistant Archbishop of Cape Town, the Very Rev. Stephen Naidoo, and the chairman of the Western Province Council of Churches, the Rev John Ulster, appealed to the authorities to "reconsider the matter carefully" and permit a site-and-service scheme at Crossroads.

"We believe that in this entire exercise, certain basic human rights have been ignored. There is the right of married people to family life. They also have the right to a home, no matter how humble.

"At the same time, they have the right to live in circumstances where they can earn enough to live on and, as human beings, they have the right to be respected as such by public officials and private citizens," the churchmen said.

They called on the authorities to determine the root cause of the situation and appealed to "all men of goodwill" to give assistance to the homeless people.

**Schoolteacher 'dragged like a criminal'**

# Cops demand bribe-claim

A SCHOOLTEACHER yesterday alleged police pulled him out of a car, demanded his pass and when he failed to produce it, promised to free him if he offered a bribe.

Mr Jabulani Mlangeni (23), a teacher at Isuhle Higher Primary in Soweto said the police actions did not surprise him

He was embarrassed when he was "dragged like a criminal" in full view of the public on a Saturday morning in Johannesburg's President Street

"Until pass laws are scrapped we as blacks will forever remain victims of such police actions"

He said he had heard bribe stories involving the police and members of the public "This time it happened to me"

Mr Mlangeni said he was set free after he had pleaded with the police and repeatedly told them that he did not have any money

## COMPANIONS

He was in the company of friends and colleagues on their way to a conference in Randburg. It was about 10:30 am and they had parked the car in President Street when the alleged incident happened Mr Mlangeni said

One of his companions was stopped and asked for his pass by the police. Then the police "grabbed me and pushed me into the police van," he said

Mr Mlangeni said he did not have his pass with him, and he found the police van "packed" with arrested men and women. He was released after his colleagues told the police that "we are teachers going to a conference"

He took down the registration numbers of one of the police vans soon after he was released

Lt M Bonthuys, PRO for

By **MANDLA NDLAZI**

the police directorate, said he was not aware of the incident. He stressed that police did not go "out and out on pass raids"

He said police demanded passes only when they "checked on vagrancy, vice and other kinds of crime". As long as the pass laws were in the statute book, he said, police would

carry out their duty

He said he did not believe such an incident happened but it could be investigated if Mr Mlangeni supplied the police with the registration numbers of the police van or vans, the time and place

Mr Mlangeni has the registration numbers and will make them available to the police, he said

*Soweto 23/7/81*  
*206*  
*[Signature]*



206

23 17/81

Arjys

# OUT IN THE COLD



Photograph by Peter Stanford

IT is 9.10 am and dozens of policemen plus 24 police and Administration Board vans surround a desolate piece of wasteland. The object — to round up women and children evicted from Langa the week before.

In the bitter cold women sing from inside the vans, policemen warm themselves around the squatters' fires. At the policemen's feet are worn mattresses and blankets, plastic bags full of clothes, a lone umbrella. A policeman complains about the 'mess.'

'Bloody papers everywhere,' he mutters. 'It's a scandal.'

206

23/7/81

Beyond the circle of police Nawandile Ngongo huddles against a rock. A mother of four children she looks shocked, dazed. 'I'm very heartsore and very scared,' she says pulling her blanket around her. 'I don't know what to do.'

Her husband is a migrant labourer. She came down from Transkei in May to join him because 'we're starving there.' Evicted from Langa last week she built a corrugated iron shelter at Nyanga. Board officials pulled it down so she slept under a piece of canvas. When it was confiscated she found a piece of plastic to sleep under. It too was taken by officials. Now she has only her blanket left.

But like other women who escaped the police raids she intends staying where she is. For a passive resistance movement has grown among the evicted people staying at Nyanga. In spite of four police raids and more than

NAWANDILE NGONGO crouches against a rock in Nyanga. All she has left to protect her from the elements is a blanket.

Aug 23/7/81

206

1150 arrests in the past week the people are determined to stay put until the authorities find a solution to their problems. And that solution is not returning to the 'homelands.'

'We know we have no right to be here,' said a spokeswoman for a group of mothers, 'but our children are sick and we are starving in the Ciskei and Transkei. We have come here to be with our husbands. Can't the Government give us rights? After all we are all South Africans and we were all born in the same country.'

Roman Catholic community worker Mary Sili says: 'They don't want to move deeper in the bush they don't want to go into other people's homes, they don't want to go into any building which hasn't been given to them. They want to stay here in the open as a group until a solution is found. They want accommodation and they want to be allowed to live with their husbands and children.'

Patricia Tamba, whose husband has been in Cape Town since 1974, says:

'We must stay here. We can't do otherwise. We have nowhere to go. I had a piece of plastic but they took it away. Now I must take my child and sleep under the bushes.'

Madelina Moi has had her shelter removed three times since last Wednesday. 'All I've got left now is my coat. I'm not moving even now. We can't help being here.'

Since arriving in Cape Town in 1964 she has lived in fear. 'We can't do nothing. Now they can just arrest us.'

At least 61 children have been held with their parents. Witnesses claim that an eight-year-old cerebral palsy sufferer and a baby who suffers from convulsions were among those taken away in police vans.

The fathers wait patiently on the dunes among browsing goats for their families to return.

Sidwell Mxabangeli says his wife and three children were taken away on Friday. 'She's been in Cape Town a long time. Now they've taken her away. They took my children too. Their plastic has gone and so have their clothes and blankets. I feel very bad. I've looked and looked for her but I don't know where they are keeping her. I must just stay here until she comes back.'

Madoda Dassie's wife was arrested but his two children, including a 12 month old baby were left behind. 'I'm so upset, I can't help the children. They are crying for their mother. At night I put up a plastic shelter for them, but I don't have enough blankets to keep them warm.'

Anyone who has blankets, clothes, food or disposable nappies to donate to the evicted people can contact the Catholic Welfare Bureau at 43-1232.

The public can leave their donations at the bureau, 37A Somerset Road, Cape Town, provided they clearly mark them for 'The African Women's Fund.'

Anyone wanting to help with money for bail or fines can contact the Reverend Dan Ulster of the Western Province Council of Churches, telephone 45-1139 or 45-1180.

Linda Vergnani



Table 5.1

Perinatal Mortality Rate per 1000 deliveries

1967	45,9
1968	46,5
1969	44,2
1970	41,1
1971	38,6
1972	42,0
1973	45,2
1974	39,2
1975	33,3
1976	34,0

(Source: Reports Gynaecol.)

Table 5.2

Deliveries in Inst

Whites	98%
Coloureds	73%
Blacks	74%
Asians	83%

(Source: Medical Officer of Health Report, Cape Town, 1976.)

Home deliveries are thus still carried out by private midwives and non-medical staff - friends, family or traditional midwives.

The success of the MOUs in achieving their aims can be seen in the following. In Graph 4, can be seen that while the total number of deliveries carried out by the Peninsula Maternity Service has increased since 1973, the number of deliveries excluding MOUs has declined. The pressure on the

hospitals has thus been reduced. Furthermore, to normal deliveries are now conducted at Groote Schuur. This reduction in workload has created 'breathing room' so that all high risk cases can now receive the necessary care.

While no transport is provided for the patient to the MOUs or ante-natal clinics, these are closer to the patients' homes and thus less travelling expense is incurred in travelling to the clinics than to hospital.

# Clothing collection for the evicted

Ag 23/7/91

RMS 206

THE Progressive Federal Party's Sea Point Advice Centre is to become a temporary depot for blankets and winter clothing offered by the public to the people of Nyanga and Langa evicted from their accommodation.

Residents of Sea Point, Clifton and Camps Bay who wish to give blankets, weatherproof sheeting, coats and other warm or waterproof goods have been invited to deliver them to the Sea Point Advice Centre

The address is 206 Medical Centre, corner of St John's Road and Kloof Road, Sea Point Deliveries can be made between 9 am and 12 30 pm

## OVERWHELMING

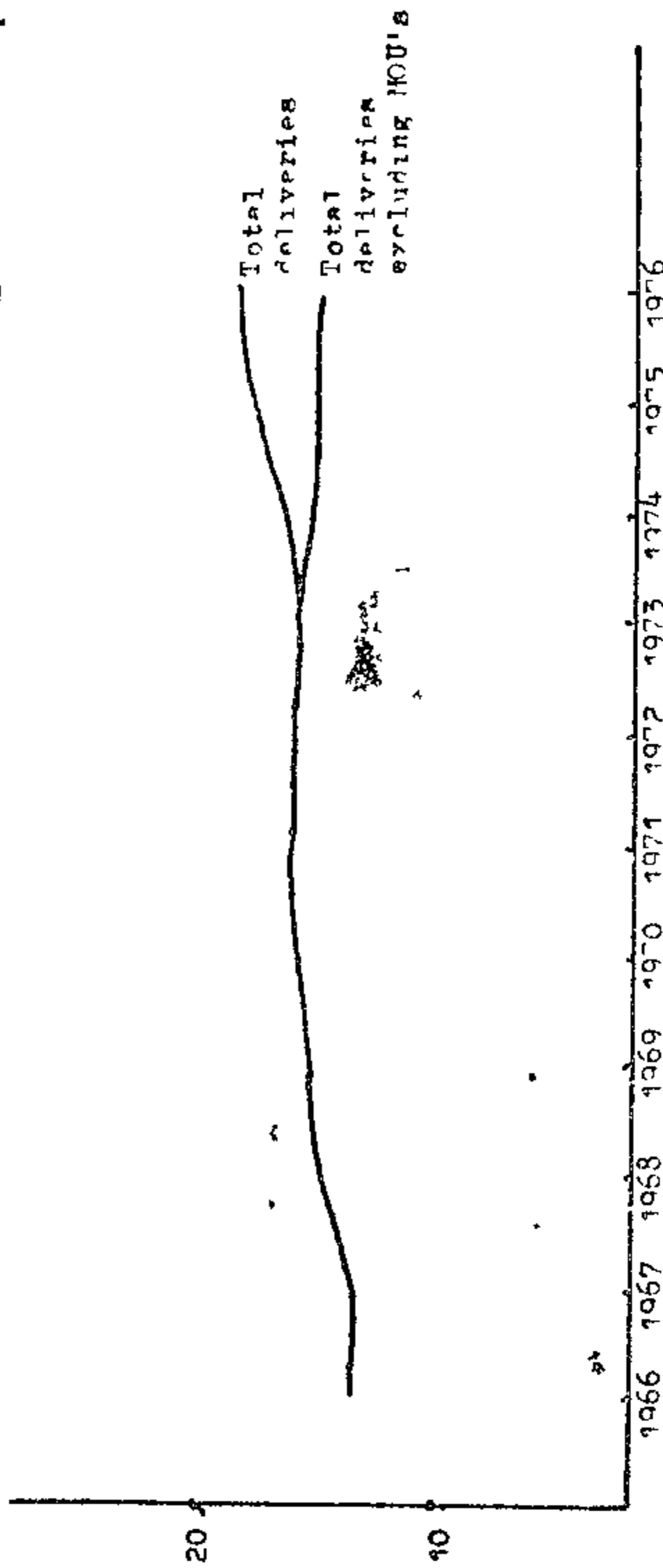
Mrs Joyce Eglin, wife of Mr Colin Eglin, MP for Sea Point, said today the response to individuals collecting clothing and materials for the evicted people, had been 'overwhelming'

It had been decided, therefore, to open a receiving depot in the heart of Sea Point

Another receiving depot is run by the Catholic Welfare Bureau, 37A Somerset Road, Green Point

The Party's Pinelands youth branch is to hold a collection for families recently evicted from black areas

The collection will be held at Howard Centre on Saturday from 8 am to 1 pm Apart from cash donations, blankets, warm clothing, plastic sheets, food, sleeping bags, and tents are required



Source: Annual Reports of the Dept. of Obstetrics and Gynaecology, UCT/CPA includes: hospital deliveries, district deliveries, born-before-arrival at hospital, born-before-arrival at district District deliveries: applies to all hospital up to 1970 applies to St Monica's and Somerset up to 1974

# Churches condemn evictions

Aug 23/7/81

(BAW) (206) (JAW)

THE Western Province Council of Churches has condemned the eviction of hundreds of people from the Langa bachelor quarters and the subsequent arrest of many of them on pass law offences.

A special meeting was called yesterday to consider the churches' position and response to the distressing treatment of workers, women and children by officials of the Administration Board and the police in enforcing influx control.

In the statement the WPCC said many people had been deeply shocked by the evictions in Langa.

Although it was true the bachelor quarters were due to be renovated and upgraded for family quarters and there were certain 'legal' aspects surrounding the action, it still left 'a great deal to be desired'.

## CALLOUS

The circumstances of the evictions were 'very callous'.

They took place in mid-winter in appalling weather and no alternative accommodation was provided.

The council described the subsequent arrests of men and women with babies as 'inhumane to say the least'.

'We believe that in this entire exercise certain basic human rights have been ignored'.

## FAMILY LIFE

Married people had a right to a family life and a home, no matter how humble.

They also had the right to live in circumstances where they could earn enough to live on and as human beings they had the right to be respected as such by public officials and private citizens.

The council appealed to the authorities to permit the urgent establishment of a site and service scheme for the now homeless people involved and to determine and correct the root causes of the situation.

It also appealed to 'all men of goodwill' to give whatever assistance they could in 'this situation of dire human need'.

## Service to focus on parted families

### Religion Reporter

THE disruption of family life in the Peninsula's black areas will be central to a service to be held at St Thomas's Church, Campground Road, Rondebosch at 3 pm on Sunday.

The service will also mark the start of the annual 'Month of Compassion' observed in many Christian churches in South Africa each August.

The main speaker will be the Right Rev Stephen Naidoo, Auxiliary Bishop of the Catholic Archdiocese of Cape Town, who recently returned from a visit to resettlement areas in Transkei.

### THE PLIGHT

He will discuss the plight of those who are 'relocated in terms of Government policy'.

Dr Margaret Nash, ecumenical education officer of the South African Council of Churches, will speak on 'the pain of the uprooted'.

Dr Nash is the author of two recent pamphlets, entitled 'Children in Resettlement Areas' and 'Women in Resettlement Areas'.

The third speaker will be Father S. Luckett, Anglican priest to the Crossroads community.

The service, open to all, will be held at St Thomas's Church under the auspices of the Western Province Council of Churches.

Both groups are means whereby values can be systematically brought to bear on policy decisions.

### 3. Choice of Techniques . Efficiency Decisions

The choice of means of approaching a given health problem is dealt with first because it is here that economists are most precise in their contributions, not because it is logically prior.

To discuss the relative efficiency of alternative approaches,

### 3.1 Cost Effectiveness

... analysis is the method which uses this

additional rand should yield the same benefit whichever programme it is spent on. If this were not so, if it is felt, for example, that an additional rand spent on research on serum albumin levels in the malnourished produces less effect on overall health status than an additional rand on measles vaccine, one could increase the benefit achieved by shifting funds from the first programme to the second. This basic axiom is used in all methods of evaluation.

If more benefits can be achieved without additional expenditure of resources, or the same results achieved at lower expenditure, resources are not being used efficiently. This in turn requires that all funds spent should yield the same benefits on the margin; i.e. an

said that while the cost of employing a number of ...  
tically trained nurses is roughly equivalent to that of  
a doctor to see the same number of patients, the quality of  
care is superior because an interpreter is unnecessary and  
consultations are longer (6).

6 Dr. Lucy Wagstaff, personal communication.



# Human rights stand is welcomed

343  
206  
208

HUMAN rights groups are hoping that a judge's expression of displeasure at an attempt by Government officials to separate a man from his wife will force bureaucrats to change their attitude in similar instances involving blacks

The judge's remarks were widely welcomed by the groups yesterday, and were seen as endorsement of an Appeal Court decision in the Komani case last year, which declared ultra vires a regulation requiring black women to have a lodgers permit or a residence permit to live with their husbands who "qualified" to be in white-designated urban areas

In the Rand Supreme Court on Tuesday, Mr Justice Goldstone ordered that Mrs Mafiri Maria Mhlongo be allowed to

By AMEEN AKHALWAYA

stay in Johannesburg with her husband, Mr Sileka William Mhlongo

He directed the registrar of the Supreme Court "to communicate the court's displeasure" to the Minister and to the West Rand Administration Board in regard to Wrab's action which forced the husband to apply to the court for the order

The Black Sash's Mrs Joyce Harris, whose organisation handles scores of influx control problems daily, commented "I am absolutely delighted at the judge's remarks because the case exposes the extent to which the authorities have been ignoring the Komani judgment"

At the time, the Minister of Co-operation and Development, Dr Piet Koornhof, said no general conclusion could be drawn from the Appeal Court decision, and each case would have to be judged on its merits

Mrs Harris said yesterday "We hope that the strong words from as authoritative a person as Judge Goldstone will carry more weight with the department than we have been able to exert, and that the people falling under the its jurisdiction will benefit accordingly"

Prof Johan van der Vyver, vice-president of Lawyers for Human Rights, said "The laws that were at issue in this case are those that, *inter alia*, infringe basic family rights

"The interpretation of our

courts to alleviate the effects of the Black Urban Areas Consolidation Act, by asserting that a wife is entitled to live with her husband in cases where he qualifies for residential rights in an urban area, must be welcomed"

"The comment of a judge on the injustices created by the Act would be quite appropriate"

The chairman of the Democratic Lawyers' Association, Mr Z Yacoob, said "While it is encouraging to note that South African law can, in some instances, be interpreted in such a way as to produce a just result, the implications of the judgment must not be pushed too far"

Dr Koornhof and the chairman of Wrab, Mr John Knoetze, were not available for comment

PLANNING  
REGIONAL  
URBAN &

Construction.  
t student-in the

Construction.  
t in the  
on Prizes

NDG Sessions

fifth years respectively.  
II and III in the third, fourth &  
the courses of Building Economics I,  
For the best student in each of  
LTA Prizes

P R Swift

Professional Practice.  
the highest marks in  
For the student obtaining  
Surveyors' Prize  
Cape Chapter of Quantity  
The Committee of the Western

P C Key

in any year of study.  
For the best all-round student  
Bell-John Prize

(Continued)  
SURVEYING  
QUANTITY

# Judge says he criticised Wrab, not Koornhof

120 M 23/7/81

315 206

## Mail Reporter

THE TRANSVAAL Supreme Court judge who, in an order this week, untangled the lives of a married couple separated by the pass laws, has issued a statement making it clear he had not criticised Dr Piet Koornhof

The criticisms contained in his judgement were, he said, directed at officials of the West Rand Administration Board (Wrab)

In a judgment on an application in the Rand Supreme Court on Tuesday, Mr Justice Goldstone made an order following an application by 49-year-old Mr Sileka William Mhlongo, declaring his wife, Mrs Mafiri Maria Mhlongo, was entitled to stay with him in Johannesburg

The judge also ordered the municipal labour officer of Johannesburg, an officer of the West Rand Administration Board, to endorse Mrs Mhlongo's reference book to allow her to remain in the prescribed area of Johannesburg

Mr Mhlongo had told the court that he and his wife had lived together in Johannesburg since 1959 and had been married since 1977. However Wrab, through the labour officer, refused to acknowledge Mrs Mhlongo's right to remain in the Johannesburg area and to make an endorsement to that effect

## Disregard

In a statement to the Rand Daily Mail Mr Justice Goldstone said the contents of the court file had not fully reflected what had occurred in the Motion Court, when he made a request to the registrar (The Mail's report was based on the court record)

Judge Goldstone said yesterday "No criticism was levelled at the Minister of Co-operation and Development, Dr Koornhof

P  
OWN

uction.  
t in the

uction.  
es

ach of  
conomics I,  
fourth &

tein

M P M

of the  
greate  
For th  
Studen

K Strc

subjec

For th

C W vc

subjec

For th

S A B

II

"The registrar was requested by me to draw the attention of the Minister and Wrab to the extreme displeasure of the court at the apparent disregard by Wrab of the recent judgment of the Appellate Division in the case of Komani N O versus the Bantu Affairs Administration Board, Peninsula Area, which appeared in the official law reports towards the end of 1980

"I commented in court that the failure by Wrab to oppose the relief sought by Mr Mhlongo and in a similar matter, which I was informed came before the court a week previously, indicated that Wrab was aware of the decision of the Appellate Division

"The consequence of this attitude is that affected persons are being compelled to approach the court for relief, which the Appellate Division has held they are entitled to claim"

● See Page 3

PLANNING  
REGIONAL  
URBAN &

Bell-John Prize  
For the best all-round student  
in any year of study.

(Continued)

QUANTITY  
SURVEYING



day, July 23, 1981

# Her joy rests on Wrab stamp

By SOPHIE TEMA

A SOWETO mother, Mrs Maria Mafiri Mhlongo, said she will only believe she can legally stay with her husband, William, when officials provide her with a new reference book this week.

Mrs Mhlongo was yesterday granted permission by a Rand Supreme Court judge, Mr Justice Goldstone, to stay in Johannesburg with her husband, Mr William Sileka Mhlongo.

An excited Mrs Mhlongo said at her Pimville home yesterday "If I was rich I would slaughter a beast and celebrate according to my custom and thank God and my ancestors for my success."

She will report to the West Rand Administration Board (Wrab) offices today to have her reference book endorsed with permission for her to stay with her husband at their Pimville home.

Mrs Mhlongo, who lives with her husband and one child, Mpho, 6, in her uncle's home, said she had been struggling since April 1977 to be allowed to remain with her husband in Johannesburg.

## Employment

"My husband William and I were married on April 27, 1977, before the Bantu Affairs Commissioner — now Commissioner of Co-operation and Development — in Johannesburg.

"I could never work because my reference book was not in order. Last year I was endorsed out of Johannesburg.

"Late last year my husband took the matter to a firm of attorneys, who have now helped me obtain a court order against the ruling that was made by Wrab officials.

"I will only believe I can legally stay with my husband when I have been provided with a new reference book by the officials.

"As soon as my reference book is in order I will look for a job to help my husband educate our four other children.

ot in II

ly in  
in an  
udent  
cs

II

ze

ze

K  
T  
N  
T  
I  
S

DRAMATIC ART

CLASSICS

NEDERLANDS  
AFRIKAANS en

PRIZES

# Evictions — and the rural crisis of poverty and unemployment

By BARRY STREEK of the Daily Dispatch, East London

IT has been bitterly cold in Cape Town recently. It has also been very wet, making conditions pretty miserable for everyone. Yet, this is the weather that white government officials at the Peninsula Administration Board chose to evict a group of Ciskeians and Transkeians from the bachelor quarters in Langa.

In any circumstances, it was a miserable deed, even if it was logically administering the consequences of the pass-law system, but this month's weather has underlined the callousness and inhumanity of the action.

For years, I have heard ministers telling both Parliament and black people that the policy of separate development will benefit black people and that those people from the "independent" black states will be better off than those black people who do not identify with the independent states.

## Lecturing

I have heard the former Minister of Bantu Administration and Development, Mr M C Botha, lecturing everyone on the advantages for black people. I have heard the former Minister of Plural Relations, Dr Connie Mulder, extolling the virtues of the system.

And I have heard the present Minister of Co-operation and Development, Dr Piet Koornhof, waxing lyrical, as only he can, about how wonderful separate development really is, particularly for black people.

But, last week, the government through its agents in the Western Cape showed that it was all a lot of hot air.

The Peninsula Administration Board showed quite conclusively that citizenship of the independent Transkei or the about-to-be-independent

Ciskei did not make the slightest bit of difference to the government's hated pass laws.

It would be beyond comprehension for the government to act in this way against a group of illegal Italian, English or Portuguese immigrants. The outcry, if it was mad enough to act in this way against white people, would be tremendous.

But because the unfortunate people who are regarded as "illegals" are black, the government apparently feels that it can act in this way.

What it effectively amounts to is that we even have apartheid in diplomacy. We have white foreigners and black foreigners — and they will be treated differently simply because of their colour.

## Hasn't varied

Basically, the situation is very clear. It was reflected in the Wiehahn and Riekert reports and it has been reflected in various government statements. It basically hasn't varied since last century and whatever guises Nationalist spokesmen like to give it, whatever labels, it is still the same.

Black people are not wanted in the cities, in the so-called white areas, unless they are required for their labour.

They are not normal human beings who aspire to ordinary family life. They are not fathers who want to be with their children during the formative years. They are not husbands who want to share their lives with their wives. They are not women who simply want to be with their men. They are not lovers.

They are work units. They are not citizens with political and social aspirations who have the right to demand that

the government they pay taxes to should be responsible to them. They are rather people who should be grateful to the government for what it is doing for them and should accept their place in life without without complaining.

They must accept that ordinary family life is not a right or something to aspire to. They must accept that the bulk of their adult life is to be spent as a migrant worker, spending 11 months in the cities working and one month back home with the family.

Way back in 1921, the Stalard commission said "The Native should only be allowed to enter the urban areas, which are essentially the white man's creation, when he is willing to enter and to minister to the needs of the white man, and should depart therefrom when he ceases to minister."

As last week in Cape Town showed, that policy, insofar as it affects black people, has not changed, they should leave the white areas when they have finished ministering to the white man. Under no circumstances can they be there "with permission" unless they are ministering to whites.

## 'Appendages'

Some 40 years later, a deputy minister talked about the "superfluous appendages" who would be returned to the homelands when they no longer served the needs of white people. And 60 years later, the government, through a department whose political head, Dr Piet Koornhof, has indeed shown compassion on occasion, is still implementing the same inhuman policy.

What has materially changed since then is the steady deterioration of the rural areas called the home-

lands. Whereas there is evidence that even as late as the 1920s and 1930s the rural areas were providing some means of support for the people in them, they are no longer capable of doing so. Indeed, in the very area which last week's victims allegedly came from, there is a massive and continuing unemployment crisis.

If the government itself estimates that the rate of unemployment in the East London-King William's Town area is as high as 35 percent, there is already a crisis. But the East London-King William's Town area is the most developed of the whole region. In the heart of the Ciskei and Transkei the crisis is worse and the people living there are forced to find work or starve. Whatever might be said unwisely from the benches in the commissioners' courts, the reason why people will come to Cape Town and live in the most appalling circumstances is that things are indeed worse at home.

Apartheid ideologues, government officials executing policy and doing their job, police, every single means of control the state apparatus can muster, are not going to prevent the people of South Africa from leaving their homes to find work and (try to) survive. While the grinding poverty and depression of the rural areas exists, while the so-called white areas ignore that crisis, the pressures are going to continue.

## Devastating

There is a crisis in the rural areas of South Africa, a crisis that could have devastating consequences, and the longer it is ignored by the government and by capital, the bigger its proportions will assume.



801 24/7/81  
 (348) (206)

# Long days of hiding are over for Mafiri

By Jon Qwelane

She had few places to hide because over-zealous officials had seen to it. Neither her fellow domestic workers in the suburbs nor her husband who qualified legally to reside in Johannesburg, could give her shelter for fear of the loud knock at the door heralding a police raid.

For Mrs Mafiri Maria Mhlongo of Pimville Soweto not even the lights of the Golden City were bright enough for her to realise her dream of being like other women living happily with her husband William.

The pass laws saw to that and officials enforced them so rigidly that they gave her exactly 72 hours to be out of Johannesburg last year.

But this week Mr Justice Goldstone of the Rand Supreme Court ruled that Mrs Mhlongo could live legally with her husband and also that her reference book should be accordingly endorsed to that effect.

Judge Goldstone went further he directed the Registrar of the Supreme Court to 'communicate the court's displeasure' to the Minister of Co-operation and Development and Wrab over Wrab's actions in forcing Mrs Mhlongo to apply to the court for help.

## SEVEN YEARS

A day after the ruling Mrs Mhlongo was the proud holder of an endorsement in her reference book entitling her to live in Johannesburg.

And so ended a struggle for that very endorsement which began seven years ago when Mrs Mhlongo first went to the pass office to have her reference book properly stamped to enable her to be with her husband.

She first had her reference book stamped on November 14 1974 declaring her a 'visitor' to her husband. Another followed in December of that year and the following year she was called to the Wrab offices in Albert Street.

By then she had lost her job as a domestic worker in Highlands North because her employer was "very uneasy about the many adverse stamps in my pass book".

The crunch came on August 21 last year when she was given until the 24th of that month to be out of Johannesburg for good. It was then that she was also told her husband's only hope

would be to marry a woman with the proper residential qualifications.

## CRUMBLING

"I felt my whole world crumbling around me. To think that we have five children who needed both of us to look after them and support them, and yet here I was being told to leave, was unbearable," Mrs Mhlongo recalled.

She said the whole

thing was especially hard on the children because whenever they visited from Lydenburg from where she originally comes, they had no place to stay in Johannesburg but had to be with relatives in Natalspruit township in the East Rand.

Said Mr Mhlongo: "We could not get a house because of the troubles with my wife's reference book. This, despite the fact that I

have been continuously living in Johannesburg for the past 30 years now."

## BLACK SASH

It was then that the couple visited the Black Sash's advice bureau at Khotso House in the city, and things started moving.

Mrs Mhlongo plans to look for a job as a domestic and help her husband keep the home fires burning. But for the time being,

though, she still is not over the joy of knowing that for her, pass law burdens are a thing of the past.

And Mrs Sheena Duncan of the Black Sash sees the Supreme Court ruling as another milestone in her organisation's struggle to keep families together despite official measures to apply the influx control regulations.



Mrs Maria Mhlongo with her husband William and their youngest child Mpho (5) in Lydenburg, where their mother was born

The older children live in Johannesburg. Picture by Alf Kumalo.

ET 241-7/81  
B00 1/1/81 206

# Many missing after pass law raids claim

Staff Reporter

A COMMUNITY worker has revealed a dead-end situation for many friends and relatives who have tried to pay bail for people arrested on pass offences last week and charged at the Langa Commissioner's court.

Miss Ann Andrews, who has been attending the hearings of those arrested near Crossroads, said yesterday she found it "very disturbing" that numbers of people seemed to "disappear" from court and prison records after they appeared in court and were granted bail.

Since Monday, she said, she had been given "strings of names of people who have just gone missing and cannot be traced"

In one case a woman had gone to Pollsmoor to pay bail for her boyfriend. Although she had seen him there and had confirmed that R30 bail had been extended and his case postponed till July 27,

prison authorities had denied bail had been granted.

"Yesterday afternoon attempts were made to establish whether bail had been granted at the Langa court, but his name could not be found in the records.

"Furthermore Pollsmoor had lost all trace of him and denied that he was there at all. Now the woman is exceedingly distressed because he suffers from asthma."

A senior prosecutor at the Langa court, Mr J J Fourie, said problems were created by people giving names in court which differed from those by which they were known among friends and relatives.

The hearings of those arrested at 3am on Thursday last week on pass law charges continued yesterday at the Langa court.

Seventy-five cases were postponed till today. Ten people were fined R60 (or 60 days). Twelve cases were withdrawn.



# Suzman to raise Section 10 case in parliament

*Sewela 24/7/81*  
*206*

MRS HELEN SUZMAN, Opposition spokesman on urban black affairs and on civil rights, said today she would raise in the coming session of parliament the issue of officials who flouted the law.

Mrs Suzman said officials of the Department of Co-operation and Development were simply not obeying the law and were

going against instructions from their own department

This follows a case in the Rand Supreme Court this

week in which Mr Justice Goldstone expressed his displeasure at the West Rand Administration Board

The case involved an application by Mr Sileka Mhlongo to allow his wife Mrs Mafiri Mhlongo to stay with him in Soweto

Mrs Suzman said Section 10 (1) C of the Black Urban Areas Consolidation Act exempted wives, unmarried daughters and sons under 18 from the 72-hour limit, if one of the parents had residential rights in terms of Section 10 (1) A and B

In terms of this, blacks born in or residing lawfully for 15 years in an area or who have worked for 10 years for one employer, have residential rights

Mrs Suzman said officials had been indoctrinated over the past 30 years into making life as difficult as possible for blacks in urban areas

She said South Africa was the only Western country in the world where married couples needed a law to enable them to live together

PASS LAWS - 1 FM 24/7/81  
Specifically separate

206 255  
The Hoexter Commission of Inquiry into the structure and functioning of the courts recently heard some trenchant criticism of the enforcement of the pass laws in black commissioners' court.

Ramarumo Monama, a black lawyer at Wits University's Applied Legal Studies Centre, said in his submission. If the pass laws are to remain the pass courts should rather form part of the Department of Justice than the Department of Co-operation and Development.

Monama tackled the effects of the Blacks (Urban Areas) Consolidation Act which he said contains a blanket disqualification for blacks to be in prescribed areas for a period exceeding three days.

It presumes an accused to be unlawfully within an urban area, and places the onus on him or her to disprove the charge.

'This is a striking departure from ordinary criminal procedural law where the onus of proof is always on the State. Furthermore, in many instances the accused are not granted bail or represented by legal counsel and some prosecutors double as interpreters.

Monama went on: 'As regards the right to communicate with their legal advisers there are several allegations that the accused are denied the right to communicate with their families and or employers.' This cuts off access to legal representation. Though presiding officers have the discretion to advise the accused of their basic rights, Monama felt there is more need to exercise this discretion in the case of illiterate accused.

Sentences imposed make any recourse to higher justice difficult. The Act provides for a fine not exceeding R100 and or imprisonment for a period not exceeding three months. 'These figures are far below the reviewable standard and accordingly no automatic review lies against the commissioner's finding. The result is that the participation of the Supreme Court is limited.'

A further anomaly is the treatment of white offenders -- the employers. Their trials are conducted in Magistrates Courts. The offences involved, said Monama, are contraventions of substantially the same Act. Why should the trial

be conducted in a separate and different court' when the commissioners courts are 'specifically created for that purpose?'



FM 21/7/81

20's 229

# Families are allowed

The wives of black men legally resident in 'prescribed' areas have, it now seems, unequivocally won the right to live with their husbands. A number estimated in tens of thousands of black women and children -- who up to now have been denied living with their qualified husbands -- may clearly expect to join their men.

In a judgment which reinforces the Komani case ruling (see below), the Supreme Court this week upheld an application to grant Mrs Maria Maria Mhambane permission to reside with her husband in Soweto.

With the ruling Mr Justice Coddin issued a remarkable directive "communicating the Court's displeasure" to the Cooperation and Development Minister Piet Koornhof and the West Rand Administration Board (Wrab). In effect, they had forced Mhambane to seek a court order to get the required endorsement since wives are, since Komani, legally entitled to in terms of Section 10 (1) (c) of the Black (Urban Areas) Consolidation Act 194.

Wrab's chairman, John Knoetze, told the FM "We are aware of the Supreme Court decision, we realise the implications and we are carrying them out. I don't expect any repetition of what has occurred in this particular case."

Sheeni Duncan of the Black Sach advice office, which assists blacks in dealing with the tortuous complexity of influx control legislation, sees the decision as very important and most welcome. "Mhambane case was not isolated," she says, "it drew attention to one -- that of Mrs Jeremiah Moutse last week -- which was similarly upheld."

### Court action

To date, explains Duncan, only some of these wives were able to get uncontested Section 10 endorsements to their passbooks -- and that only when Wrab was threatened with Supreme Court action. "The refusal of Dr Koornhof and the Department to take notice of the Komani judgment has frustrated that judgment," says Duncan. Since the relevant officials were not informed, women and children have been refused permission to join their husbands and fathers.

Duncan adds "Koornhof ought to issue an immediate directive saying that 10 (1) (c) rights are to be given without hesitation to the wife, unmarried daughter, or son under 18 of a husband or parent qualified with 10 (1) (a) or (b) rights. It is an absolute scandal to ignore the Appellate Court's decision last year."

### Influx control and families

### Wives of black men

The "influx" threat about the cases is still in the air. The Department of Cooperation and Development is expected to continue to apply the provisions of the Act. The Government has indicated that it will continue to apply the Act.

At the same time, the Department has full details of the law.

In the case of Mhambane, the wife of a black man who had been in the area for 15 years, the Department of Cooperation and Development refused to issue a permit for her to join her husband.

To prove the validity of the Komani decision, the Department of Cooperation and Development has provided a list of black men who have been in the area for 15 years and whose wives have been refused permits to join them.

In terms of section 10 (1) (c) of the Act, no black man or woman has more than 27 hours in an urban area. To produce proof that:

- (a) He has since birth, resided continuously in such an area.
- (b) He has worked continuously in such an area for one (6 months) or 10 years or has lawfully resided continuously in the area for 15 years. In addition, during both periods or thereafter he must not have been sentenced to a fine exceeding R500 or a term of imprisonment of more than six months; and
- (c) Such black is the wife, unmarried daughter, or son under the age of 18 years of any black included in sections

admits Wrab's Director. He said that his officials were aware of the court's decision and are carrying it out. He said that the Department of Cooperation and Development is expected to continue to apply the provisions of the Act. The Government has indicated that it will continue to apply the Act.

He said that the Department of Cooperation and Development has full details of the law.

In the case of Mhambane, the wife of a black man who had been in the area for 15 years, the Department of Cooperation and Development refused to issue a permit for her to join her husband.

The interpretation was based on Regulation 10 (1) (c) for 1943 which forbids a person other than a permit holder to live in an urban area. As a result many black women who had been entitled to live in the cities were not given permits because they had not been granted a permit.

In the Komani case however, the Appellate Division ruled that this regulation is invalid. The implication of this ruling is that wives, unmarried daughters, and sons under 18 of men living legally in urban areas need to get their passbooks endorsed in terms of section 10 (1) (c) of the Act only, and require no permit.

he replied "I think so." Further asked why similar cases were still brought before the Supreme Court, the spokesman referred the FM to Knoetze.

The FM understands that two similar Section 10 (1) (c) applications have been filed before the Court, and that about six are in the pipeline.

# PASSES: COURTS

TWO extra judicial officers are being flown to Cape Town to assist in hearing the largest number of pass law cases in many years.

Mr Timo Bezuidenhoud, Chief Commissioner for the Western Cape, said the officers were being sent to Cape Town by the Department of Co-operation and Development and would start hearing cases at the Pollsmoor Prison courts from next week.

## Staff shortage

It had been necessary to ask for the extra presiding officers because of a lack of staff in his department.

'Everybody is short of staff. There are seven vacancies in my office alone,' Mr Bezuidenhoud said.

More than 1 150 black people have been arrested on pass law charges by police and officials of the Administration Board of the Western Cape since last Wednesday, after mass evictions from the Langa barracks.

People had to move into the open when they were put out of the hostels — which they were occupying illegally — as authorities started to convert them into married quarters.

## Rights

The majority of the people arrested have pleaded not guilty to charges and the Athlone Advice Office of the Black Sash is trying to ensure that all those appearing in court are defended.

Mrs Val West of the Advice Office said a group of about 15 lawyers who worked on a roster basis for the office, were

# CAN'T COPE

Agus R 4/7/81

HA 206  
340

appearing pro amico for those arrested in the past week.

'These are criminal charges and people have rights to representation under criminal charges,' Mrs West said.

She said earlier that there had been a decision among those arrested to plead not guilty as most of them felt they had not done anything wrong in coming to the area.

## Court ruling

The Commanding Officer of Pollsmoor Prison, Brigadier C. L. de Fortier, said one of the advantages of using the Pollsmoor courts was the easy access of the prisoners.

'Transporting all the people to court and back every day is quite difficult,' he said.

Asked for comment on a ruling in the Rand Supreme Court this week that endorsed the right of blacks in urban areas to remain with their families if one parent has Section 10 rights, Mr Bezuidenhoud said it was difficult to comment until he had seen the judgment.

The Appellate Division ruled in August that

wives, unmarried daughters and sons under 18 be permitted to remain without a lodger's permit, provided one of the parents had rights under Section 10 of the Black (Urban Areas) Consolida-

tion Act and had entered the area legally.

Mr Bezuidenhoud said his office had studied the Appellate Division ruling and had given permits to about 50 people since it was made.



CT 25/7/81  
206 340 417

# Woman goes free after 8 days in jail

Staff Reporter

AFTER eight days in jail a woman was yesterday found not guilty of being in the Peninsula for more than 72 hours without permission and discharged.

The Langa Commissioner's Court heard that Mrs Nokhvali Zwelinjani, 30, was arrested at 3am on Thursday last week, one day after arriving from the Transkei to visit her husband, a contract worker in Cape Town.

Since then Mrs Zwelinjani, who has a young child with her and two children at home in Willowvale, has been awaiting trial in jail.

Pass law cases were heard at Pollsmoor Prison yesterday, as well as at the Langa Commissioner's Court, in an

effort to relieve the logjam created by the arrest of more than 1 150 people who moved into a vacant lot near Crossroads after being evicted from the "Zones" hostel in Langa.

## Flown in

Judicial officers have been flown to Cape Town to assist those who have been hearing these cases at the Langa court since Monday.

The going was slow at both courts yesterday, with only three cases being heard at Pollsmoor by 1pm and 14 being heard in the two Langa courts by 4.30pm.

Lawyers working on a roster basis for the Athlone Advice Office appeared *pro amico* for the majority of the accused, as they have done all week.

Three people were fined R50 (or 50 days) and two received fines of R30 (or 30 days). Three suspended sentences were granted and five people were discharged.

## Pension

Miss Elizabeth Cumbi, 30, was given a suspended sentence of R60 (or 60 days) after the court heard that she had come to Cape Town in 1973 from the Ciskei to earn money for eight relatives and two children.

Before she came they had been supported by her grandmother's pension of R62 every two months.

In 1975 she became a live-in domestic, but lost her job five years later when her employer moved to Johannesburg.

Since then she had been unable to get a permanent job because prospective employers were afraid of employing somebody without a pass.

CT. 25/7/81  
3400 206

# Jewish support for statement on Langa

## Chief Reporter

THE Cape committee of the South African Jewish Board of Deputies said yesterday that it associated the Jewish community with a statement this week in which church leaders condemned the eviction of families from Langa Barracks and the subsequent arrest of men and women, some with babies.

It appealed to the authorities to "stop and reconsider their actions"

In a written statement the committee said "In particular it (the committee) is appalled at the law being enforced in the way and under the conditions it is being carried out

"It appeals to the authorities to stop and reconsider their actions and calls upon people of goodwill to support the appeals being

made to relieve the sufferings of the homeless"

● The church leaders referred in their statement to the evictions and subsequent arrests as "callous and inhumane"

Signatories to the statement were the Anglican Archbishop of Cape Town, the Most Rev Bill Burnett, the Roman Catholic Assistant Archbishop of Cape Town, the Rt Rev Stephen Naidoo, and the chairman of the Western Province Council of Churches, the Rev John Ulster

The church leaders appealed to the authorities "to reconsider the matter carefully" and to permit a site-and-service scheme at Crossroads

They called on the authorities to determine the root cause of the situation and they appealed to "all men of goodwill" to give assistance to the homeless people



CT 25/7/81 (114) (310) 206

# Langa evicted women call for meeting

## Guguletu women arrested

Staff Reporter

HOMELESS black families living on a site near Crossroads have called for an urgent meeting with the Minister of Co-operation and Development, Dr Piet Koornhof, to discuss their plight.

Gathered around a fire at the site last night, several men and women said they wanted to see Dr Koornhof to discuss their eviction from Langa's Zones barracks. The families, who spent last week in makeshift shelters in cold, wet weather, include women with babies and young children.

About 70 people gathered at Crossroads last night, their numbers swelled by a

number of women released from Pollsmoor Prison yesterday after paying bail or fines. A spokesman for the group said about 20 women were released from prison yesterday and brought to the site in three prison vans. Several women were brought back with babies and children.

While most of the crowd gathered around the fire for warmth, some women prepared supper from food donated by members of the public. The spokesman said there were only a limited number of blankets — some of the group would have to bed down on the hard ground or remain up.

Church and community leaders mingled with the crowd, spoke to those released from prison and asked the needs of mothers and children. Among them were the chairman of the Western Province Council of Churches, the Rev John Ulster, the chairman of the Civil Rights League, Mr Brian Bishop, and an official of the Athlone Advice Office, Mrs Val West.

● Woman goes free after eight days in jail, page 2

A GUGULETU resident and member of the United Women's Organization (Uwo), Mrs Fransina Mamfanya, was arrested near Crossroads yesterday, with a large number of women evicted from Langa Zones last week.

The chairwoman of Uwo, Ms Mildred Lesea, who witnessed the arrests, said police and inspectors from the Peninsula Administration Board arrived at Crossroads in 22 vans and rounded up women, many of whom had already been fined in the commissioners' courts last week. Only women who could produce bail dockets were not arrested.

Ms Lesea said she and Mrs Mamfanya were looking for a suitable site for a group of doctors who were due to visit the area today.

She said Mrs Mamfanya, who lives in NY 13, Guguletu, was arrested with the other women, although she told the officials that she had a reference book.

Brigadier J H van der Westhuizen, chief director of the Peninsula Administration Board, said last night that he had no knowledge of Mrs Mamfanya's arrest, but would make inquiries.

**AT THE ALLIANCE  
WEEKEND  
ILLEGALS**

C. No. 110  
25/7/81 (11A) 206/210

ABOUT 200 people spent a bleak weekend huddled around fires and without shelter in the wet, cold and rain on an open field adjoining the Crossroads squatter camp.

They were among more than 1 000 people evicted from the Zones (single quarters) in Langa on Wednesday. They were deemed illegal tenants.

According to police, 920 people — mostly women — were arrested in Nyanga last week on pass law offences.

On Thursday a crowd of more than 1 000 was tear-gassed outside the Langa Commissioner's Court where they had gathered to protest against the arrests and to demand to be taken into custody as well.

**500 CASES**

On Thursday and Friday about 500 cases were heard at two courts in Langa and a special court at Manenberg police station. Fines of up to R65 were imposed. A number of cases were postponed.

Most of those convicted could not pay the fines and were imprisoned.

On Friday another 140 'illegals' were arrested near Crossroads. A number of babies were separated from their mothers.

The United Women's Organisation (UWO) has strongly condemned the police action, particularly the teargassing of 'defenceless children and babies as well as women, some of whom were pregnant'.

According to a late report, the remaining 200 people evicted from the zones were arrested on Monday afternoon in Nyanga.



# Jews, churches

Agnes 25/7/81

# slam pass law

# evictions, arrests

THE Cape Jewish community has joined the Western Province Council of Churches in condemning the Langa bachelor quarters eviction and the arrest of many on pass law offences

The Cape committee of the South African Jewish Board of Deputies associated Jews with the church leaders' condemnation.

The committee attacked the circumstances of the evictions and said married people had a right to a family life and home, no matter how humble. In the entire exercise basic human rights had been ignored.

In particular we are appalled at law being enforced in this way.

We appeal to the authorities to reconsider their actions and call on people of goodwill to support appeals to relieve the homeless.

## GOD IS JUST

The African Methodist Episcopal Church has protested against this State action by a so-called Christian Government and wishes to warn whites that God is a just God.

We are not interested in excuses on SABC-TV by the chairman of the Western Cape Administration Board, Brigadier J H van der Westhuizen.

It is unchristian, inhuman and immoral to kick people out of their homes in the middle of the coldest winter for years and then have them arrested like criminals.

TWO policemen today ordered PFP youth workers to dismantle their table set up in a Pinelands shopping centre to collect goods for the victims of the Langa evictions.

The police said they were acting on a complaint from a member of the public.

The collection point was shut down for two hours while PFP workers sought confirmation of the verbal permission they had obtained to put up the table.

The chairman of the Pinelands PFP youth committee, Mr John Costello, said they had obtained verbal permission to erect tables from Pinelands municipality and the owners of the site.

After being ordered to dismantle the tables they

Aug 28/7/81 (240) 206  
**Collection stopped**

contacted the municipality again who said it was customary to give permission verbally.

They went to the Pinelands police station where the acting station commander agreed to let them set up the table.

'In spite of being shut down for two hours we have collected a large amount of goods including tents and sleeping bags in aid of the Crossroads people,' Mr Costello said

The PFP MP for Gardens, Mr Ken Andrew who was called to assist, said

'It is amazing and an indictment of a sick society when people com-

plain about others attempting to collect blankets, clothes and food, essentially for women and children who are living in the open with nowhere to go.

'These young people, concerned with the plight of those evicted from the Langa barracks should be congratulated, not harassed, for being prepared to do something about it.'

He hoped their example would be followed by thousands of Cane residents giving generously, indicating that they retained a sense of justice, fair play and common humanity.



8 days in  
jail — but  
woman is  
not guilty

Mail Correspondent

AFTER eight days in jail a woman was yesterday found not guilty of being in the Cape Peninsula for more than 72 hours without permission.

The Langa commissioner's court heard that Mrs Nokhvali Zwelinjani, 30, was arrested at 3am on Thursday last week — one day after arriving from the Transkei to visit her husband who is a contract worker in Cape Town.

Since then Mrs Zwelinjani, who has a young child with her and two children at home in the Transkei, has been awaiting trial in jail.

Pass law cases were yesterday heard at Pollsmoor Prison and at the Langa commissioner's court in an effort to relieve the logjam created by the arrest of more than 1 150 people who moved into a vacant lot near Crossroads after being evicted from the "Zones" hostel in Langa.

Judicial officers have been flown to Cape Town to assist those who have been hearing these cases at the Langa court since Monday.

The going was slow at both courts yesterday, with only three cases being heard at Pollsmoor by 1pm and 14 being heard in the two Langa courts by 4 30pm.

Award  
who has shown  
at the end

ing Construction.  
est student in the

ing Construction.  
ident in the  
ation Prizes

II : A R Low Ken

I : N D G Sessions

For the best student in each of  
the courses of Building Economics I,  
II and III in the third, fourth &  
fifth years respectively.

LTA Prizes

P R Swift

For the student obtaining  
the highest marks in  
Professional Practice.

Surveyors' Prize

The Committee of the Western  
Cape Chapter of Quantity

P C Key

For the best all-round student  
in any year of study.  
Bell-John Prize

PLANNING  
REGIONAL  
& URBAN

(Continued)  
SURVEYING  
QUANTITY



After the raids

# BITTER EXPOSURE FACES HOMELESS

206  
Aghs 25/7/81

By Keri Molloy

PUBLIC response to appeals for the Langa and Nyanga homeless has been good but more warm clothes, food and blankets are needed.

The Catholic Welfare Bureau received about 20 calls an hour this week and cheques are coming in, according to Sister Maureen, a staff member. Miss Mampe Ramotsamai of the Woman's Movement for Peace said. 'We have had quite a good response but people are now being freed and are out on bail which means they will be back in the open. There is still an urgent need for blankets and clothes.'

One of the most difficult problems for those evicted from the Langa hostels recently — their meagre shelters were removed by Administration Board officials and police — is how best to keep warm and dry at low cost. According to Dr A Abramowitz, secretary of UCT's Appropriate Technology Group, body heat is lost in three ways — by conduction, convection and radiation.

## SURVIVAL BAG

Mountain climbers have found a cheap and effective way of preventing loss of heat by convection by the use of the 'survival bag'.

This is a 182 cm by 61 cm plastic bag available at camping shops for less than R2, he said.

The survival bag could be used as a sleeping bag, particularly effective if lined with foam plastic or towelling, which would absorb moisture given off by the body through condensation. It could be used as a waterproof covering for an ordinary sleeping bag or modified by cutting a hole in the end for use as a waterproof overall.

The bag would count as clothing and thus would

not be confiscatable as was any kind of 'shelter' material, he added.

'There is a high loss of body heat from the head

region so it is important to wear a balaclava as well,' he said. He stressed that care should be taken that children did not cover their heads with plastic,

risking suffocation.

A more effective but more expensive bag would be lined with reflective material which would cut down radiant heat loss.



# This Unique Immunity

copy 342 206  
25/7/87 And why

## husbands and wives are now being allowed to live together



Mrs Johannah Moltse ... at last she can live with her husband.

"TAKE notice that... (hereinafter called the Applicant) intends to make application to this Court for an order: Declaring that his wife... is entitled in terms of Section 10(1)(c) of the Blacks (Urban Areas) Consolidation Act no 25 of 1945 to reside with him in Johannesburg."

TWICE in the past two weeks, notices of motion worded in this way have been laid before judges of the Rand Supreme Court. Twice in the past two weeks, the orders have been granted, entitling women to live with their husbands. Twice in the past two weeks, the West Rand Administration Board, whose officials were responsible for refusing the required permission, have failed to oppose the applications, making their granting a mere formality — but a costly and time-consuming one. Now, after 10 months of confusion, Wrab chairman, Mr John Knoetze, yesterday made a firm statement of intent.

By PAT SCHWARTZ

The statement came at the end of a week in which Mr Justice Goldstone, in ordering that Mrs Mafiri Maria Mhlongo be permitted to live with her husband, Mr Siliika Wilham Mhlongo, directed the registrar of the Supreme Court to "communicate the court's displeasure" to the Minister (Dr Koorhof) and to the West Rand Administration Board in regard to the action of Wrab officials who forced the husband to apply to court for the order. What, in fact, has the outcry been about? What were the issues that prompted a judge to make such an order? Leaving aside the unique immaturity of a situation in which adult wives need permission to live with adult husbands, the reasons for Mr Justice Goldstone's displeasure can be found in a landmark decision of the Appeal Court in Bloemfontein last year. The events of the past two weeks,

and, in fact, the past 10 months, have seemed, until this week, to reflect a remarkable unconcern on the part of the bureaucracy for the word of the highest court in the country. On August 19, last year, in the case of Mrs Nonceba Komani, Bloemfontein declared ultra vires a regulation requiring black women to have a lodgers permit or residence permit to live with their husbands who "qualified" to be in white-designated urban areas. But, in the absence of a clear directive, officials seemed to be unable or unwilling to apply the Komani decision to other, identical cases brought before them. In November and December last year, two further Supreme Court applications were brought. In both cases, the West Rand Board gave notice that they were going to defend the case. In both they failed to do so and, after months of seemingly unnecessary delay and distress, they acknowledged that the applicants were entitled to the 10(1)(c) endorsements and duly granted them.

Five months after the important Komani judgment, on January 27, Mrs Ntemi Johannah Moltse, a woman in an identical situation to that of Mrs Komani, was endorsed out of the prescribed area of Johannesburg. Her case was not handled simply by a stamp-wielding clerk, the matter was brought to the attention of two senior officials — the labour officer and the chief commissioner for the Witwatersrand who hears appeals. Still her rights were not granted.

To date, more than 40 similar cases have been referred by Johannesburg's Black Sash Advice Office to the Legal Resources Centre for action. Application has been made to the Supreme Court on behalf of six of the women concerned. Now, it would appear, things will be changing. Wrab chairman Mr Knoetze said yesterday there would be no further need for women to go to the Black Sash, to lawyers, or to the courts to get the precious 10(1)(c) endorsement. Cases brought to Wrab's branches,

he said, would be treated with "empathy and understanding" and cases handled "strictly according to the letter of the law".

Earlier this week, Black Sash Advice Office supervisor, Mrs Sheena Duncan, had queried at whose door the blame for the cavalier treatment of the Appeal Court's Komani decision could be laid. It was unclear, she felt, whether the lapse was on the part of the Minister or the officials responsible for refusing 10(1)(c) rights.

Dr Koorhof, said Mrs Duncan, emphatically, "can't give this one as another example of his tortoisés". "He himself is responsible. He can't shed this one by saying he can't move his bureaucracy." The official attitude, said Mrs Duncan, seemed to be that the Komani judgment applied to the Komani family only and had no relevance for anybody else. Indeed, that was borne out by the fact that, in all their essential aspects, the cases of the dozens of women sent by the Black Sash to Wrab offices to apply for Section 10(1)(c) endorsements were identical.

Yet many of them had been stalled by "various ploys" and demands for documents and affidavits which are quite unnecessary.

And, after the endless comings and goings that the bureaucracy demands, many of them still ended up with permission refused and the dreaded stamp in the reference book declaring them "endorsed out". Mrs Duncan emphasised that she did not blame the administration board for the situation. "They are unable to make any policy decisions. They merely sit there doing which they are told. So I place the full responsibility for this on Dr Koorhof and his department." Now at last, it appears, that this responsibility has been shouldered. In Mr Knoetze's book, at least, the record is straight. "What has gone before is water under the bridge. Sooner or later you must start collecting yourself and putting things right if they are wrong." And that statement, will no doubt be greeted with heartfelt relief by the Komani and Moltse and Mhlongos still to come.

Bell-John Prize  
 For the best all-round student  
 in any year of study.

QUANTITY  
SURVEYING  
 (Continued)

The Committee of the Western  
Cape Chapter of Quantity  
Surveyors' Prize  
 For the student obtaining  
 the highest marks in  
 Professional Practice.

P R Swift

LTA Prizes  
 For the best student in each of  
 the courses of Building Economics I,  
 II and III in the third, fourth &  
 fifth years respectively.

I : N D G Sessions

II : A R Low Ken

III: No award

S A Brick Association Prizes  
 For the best student in the  
 subject of Building Construction.

C W von Düring

For the second best student in the  
 subject of Building Construction.

K Strong

23/11/77  
 23/11/77  
 23/11/77

**Friendly  
 lawyers**

Mail Correspondent

THE Cape Bar Council has formally given permission for its members to appear pro amico for the accused in the Langa Commissioner's Court trials, provided they are properly briefed by a firm of attorneys and the Athlone Advice Centre.

A meeting of advocates and attorneys was held on Thursday night to discuss the matter.

Both attorneys and advocates welcomed the move.

One attorney said: "I know that a number of advocates are going to appear pro amico. Over 1 000, if not 2 000, people, have been involved in the past law trials. They deserve legal representation."

s Award  
 who has shown  
 e at the end  
 ir.

URBAN &  
REGIONAL  
PLANNING



Abandoning the pass laws

# This is the nettle we must grasp

S Times  
26/27/81  
266

The DAVID WELSH

Column

IT SEEMS that the aim of the administration board is to cause the maximum amount of misery for people whose only crime has been to avoid starving in the homelands.

This comment, from a trenchant editorial in the Cape Times, crisply sums up what has been going on in the black communities of Cape Town during the past 10 days.

More than 1 200 people (and possibly more) have been arrested in circumstances that can only be described as barbaric, and prosecuted under the Urban Areas Act for illegal presence in Cape Town.

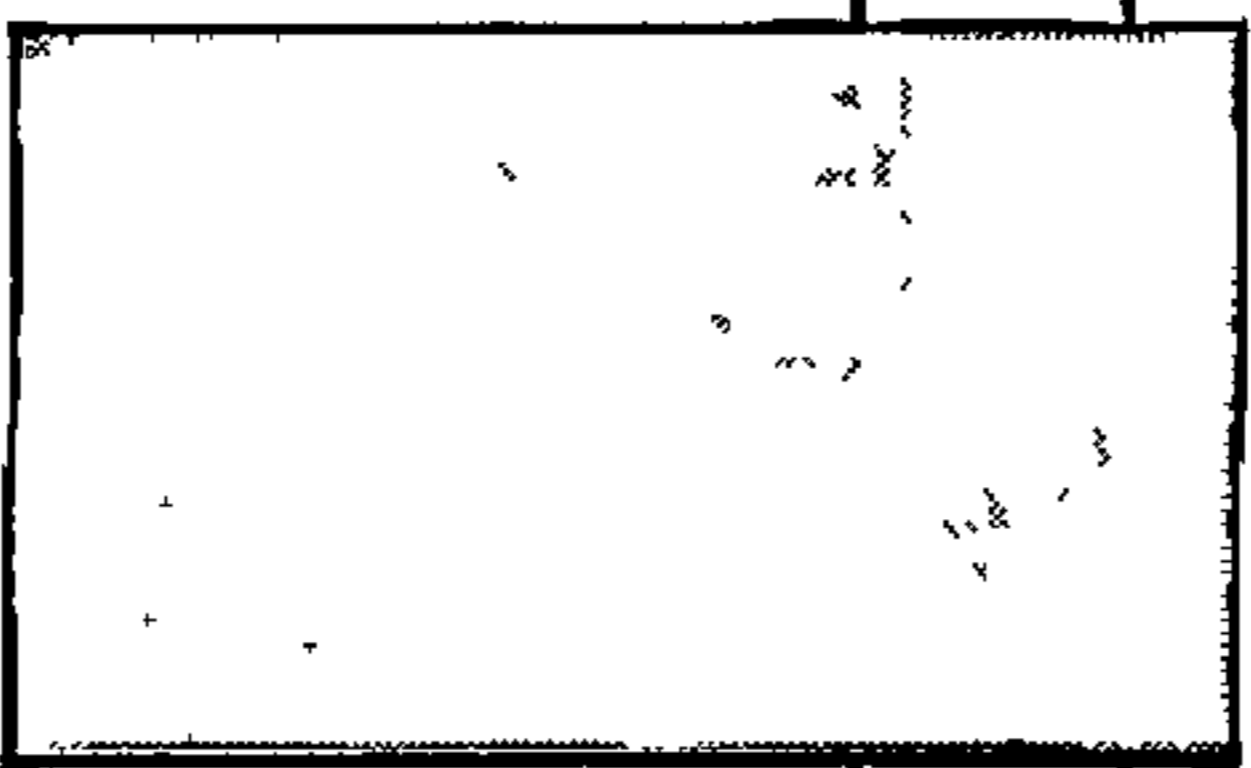
For a long time the pass laws have been applied to the whole Western Cape with an especial severity because it is this area, demarcated by the so-called Eiselein Lane, which has been declared a coloured labour-preference area.

The recent raids show ultimately what this means and make utter nonsense of Dr Koorhof's claim last year that he was declaring "war" on passes.

Influx control is one of the major pillars of the whole apartheid-separate development edifice, and there are no signs that it is being abolished. On the contrary, influx control is being strengthened.

It is virtually impossible to understand why officials chose Jan on an icy day in one of the coldest Cape winters of recent years to mount their raid on defenceless and vulnerable people.

The Argus and Cape Times (whose reporting of these events have been excellent) have carried un-



Starting today... an incisive new monthly column by the Professor of Southern African Studies at the University of Cape Town

and insensitive remarks by court officers have become commonplace. They have no option but to administer the law, regardless of its cost in human terms. Where officials find themselves in this situation, I fear, is a very likely outcome.

Situations like those that developed in Cape Town last week create serious tensions which invite police intervention, which in turn inflames tempers. It was probably through luck rather than design that lives were not lost.

The root of the issue is, of course, influx control and official justifications of their actions inevitably resort to a defence of influx control as a necessary measure to prevent towns from being "swamped" by poor rural people, with disastrous consequences for the living standards of those legally entitled to be in the urban area and for the accommodation problem.

For hundreds of thousands of blacks, however, access to the towns and the possibility of employment is a dire economic necessity.

The case of Mrs Priscilla Dyasi, who was prosecuted in Cape Town last week, is typical. According to reports of her trial she came to Cape Town in 1970.

She had been earning R3 a month as a domestic worker in Mount Fletcher,



but she could earn R5 a day in Cape Town.

Her case calls to mind the amazing calculations produced last year by Prof Jan de Lange, who showed that a black coming (illegally) from Lebowa to Johannesburg improved his living standards by 255 percent a year even if he spent three months in prison, by 170 percent if he spent six months in prison, and by 85 percent if he spent nine months in prison.

In many cases the reason for illegal entry is the simple desire of a family to stay together. One of the indirect vic-

tims of the Cape Town raids was Mr Joseph Mdimali,

whose wife was arrested. Mr Mdimali has been employed as a contract worker in a large construction company for the past 15 years and he has lived in the Langa barracks with his wife and children for 10 years. He was reported as saying that he could not bring himself to send his family back to Transkei.

The bureaucratic coils of influx control make it impossible for thousands of blacks to enjoy family life — unless they break the law and illegally "harbour" their wives. South Africa is the only society on earth where that can be a criminal offence. For over 50 years South Africa has suffered from

the pernicious recommen-

dation of the 1922 Stallard Commission "that it should be a recognised principle of government that natives — men, women and children — should only be permitted within municipal areas in so far and for so long as their presence is demanded by the wants of the white population."

It is true that since the mid-1970s this policy has been gradually laid to rest, but its spirit lingers on and indeed thrives in the peculiar circumstances of the Western Cape.

There will be no hope whatever for the development of stable and contented urban black communities until the Stallard principle is completely jettisoned. Understandably, the bar-

baric nature of so many instances of pass law enforcement tends to deflect attention away from the serious long-run problems that future black urbanisation will pose.

Given the abysmal poverty of the homelands and their minuscule capacity to provide work for their inhabitants, blacks have few options but to try to obtain work in the industrial centres.

If they are kept out by influx control they will either try to evade the law (as they do on a massive scale already) or starve in a homeland. Inevitably, large numbers

are going to opt for a chance of employment in a town, even if in future employers who take on illegal entrants are subjected to heavy fines.

As many third-world countries show unregulated urban influx can create serious problems of employment and siltm conditions, but South Africa has got to face up to the question of whether its iniquitous pass law system is the right way to address the problems.

Influx control is a crude and cruel instrument. It is inherently discriminatory and it can be enforced only (and then incompletely) by the outrageous methods of raids, arrests and prosecution. My colleague, Prof Michael Savage, has estimated

that since 1948 over 12.5 million blacks have been arrested for pass-law contravenions. It is little wonder then that for blacks the pass is symbolic of their rejection and their inferior and exploitable status.

Under our present system poverty and unemployment is largely pushed out of sight into the rural areas, which is obviously no solution at all.

Facing up to the issue, whose seriousness I do not underestimate, requires a recognition that the human costs of influx control far outweigh the (dubious) gains it brings in limiting urban influx. Abandoning the pass laws is the nettle we have to grasp before we confront the problem.



By DAVID NIDDRIE

A MIDDLE-AGED Soweto couple have won their desperate seven-year battle through a maze of apartheid red tape to live legally together as man and wife — but their victory may have come too late for thousands of others.

Twelve years ago, Mrs Maria Mhlongo moved to Johannesburg to live with her husband William — father of their four children. She lived in ever-present fear of a knock on the door and a rough demand, "Where's your pass?"

On Tuesday, for the first time since her arrival, Mrs Mhlongo, 41, can openly live with the man she married by traditional custom 27 years ago, after a judgment handed down in the Rand Supreme Court by Mr Justice Goldstone.

The judge, who instructed Administration Board officials to stamp her pass with the treasured Black (Urban areas) Consolidation Act section 10(1)(C) stamp, also directed the registrar of the court to "communicate the court's displeasure" to both the West Rand Administration Board and to the Cabinet Minister concerned, Dr Piet Koornhof, that the matter had come to court at all.

The effect of the judgment was to invalidate attempts by Wrab officials denying Mrs Mhlongo the right to live legally in Soweto.

## Refused

The Mhlongo's battle to live together began seven years ago when Mrs Mhlongo went to the Wrab offices in Johannesburg's Albert Street to legalise her residence — by then five years old — in Johannesburg.

The officials refused, granting her only a month-long "visitor's" permit, which was later extended

by another month. Mrs Mhlongo stayed on, working as a domestic servant in Johannesburg's northern suburbs until, with the introduction of the R500 fine for employers of "illegal" workers in 1979, she lost her job.

Undaunted, but living in constant fear of pass raids which would have forced her back to Lydenberg, the Mhlongo's continued their battle, approaching the Black Sash for help. Black Sash workers passed their case over to the Legal Resources Centre, which took it up in June last year.

## Problems

But in August, despite a letter to Wrab from LRC attorney, Mr Geoff Budlener, Wrab officials gave her 72 hours to leave the Johannesburg area.

The case came before Mr Justice Goldstone on Tuesday. The result left Mrs Mhlongo weeping with joy — but not without problems.

Although she and four of their five children can now live legally in Soweto — their eldest son, born in 1956 is excluded, as are all sons over 18 and all married daughters — the couple have had to live in a room barely big enough for their bed and cupboard.

Because Mrs Mhlongo was not, according to township officials, living legally in Soweto, the couple could not apply for a house. They are now free to, but the waiting list is almost five years long, so all but their youngest son, Mpho, will stay with Mrs Mhlongo's mother in Lydenberg.

"The law is heavy. You can suffer greatly under it," an over-joyed Mr Mhlongo told the *Sunday Tribune* at his tiny Pimville, Soweto home this week. "Now we are free, these people have been very good to us (the Black Sash and their attorney). But we must have a

# THE STAMP OF VICTORY

S. Tubee

208

206

243

20 JUN 1984



## The joyful Mhlongo's after being told they could live together legally

house.

"I sang and danced when I heard what the court decided," Mrs Mhlongo added. "But I must still be separated from my children because we have no house."

The Supreme Court

judgment has done more than confirm the Mhlongo's right to live together. It has confirmed that administration boards throughout South Africa have been ignoring the law by refusing to allow women such as Mrs

Mhlongo to live with their husbands.

This was first established when a Cape Town man, Veli Komani, challenged in court the local administration board's legality in refusing to allow his wife to live

with him.

In August last year, only days before Mrs Mhlongo was ordered out of Johannesburg within 72 hours, Mr Komani's case was heard by the Appeal Court in Bloemfontein, which upheld his appeal.

Since then, however, the Black Sash in Johannesburg alone has been approached by about 150 women or their husbands following Wrab refusal to recognise their right to live in urban areas.

But, as the Black Sash's Mrs Sheena Duncan pointed out this week, those approaching her organisation represent a

tiny minority of those whose rights the administration boards have refused to recognise.

Asked for comment yesterday Dr Koornhof said "I've set certain targets and have set a process in motion. What I'm doing is a huge undertaking. It led to the formation of the Grosskopf Commission (which is studying the controversial new deal for urban blacks) and is going to go before Cabinet."

"Until decisions have been taken, I think criticism of me is grossly unfair."

berculosis  
the core of  
could not  
se nor upon  
pact on the  
illions more  
col services  
over-  
blem of  
ey also serve



# Classic battle in Pikerberg will show if the Right-wing swing is continuing

THE looming Pikerberg Parliamentary by-election, which must take place before October, will provide the first evidence of whether the country-wide swing from the National Party to the Right in the April General Election has maintained its tempo.

This and other crucial issues, such as the in-fighting between the Verligte and Verkrampde factions of the NP, leads to a much wider significance to the by-election than a mere head-on clash between the NP and the Herstigte Nasionale Party.

Adding to the tension within the NP's two ideological camps is the classic mould of the two candidates in the Pikerberg election.

was beaten in a shock result in the General Election by the Progressive Federal Party's Mr Ken Andrew in Gardens, Cape Town.

For him the stakes at Pikerberg are very high.

Before he stood in Gardens, Dr De Villiers was beaten by Dr Wynand Malan for nomination in the Moreesburg constituency shortly before his nomination.

Dr De Villiers may only remain in the Cabinet for a year without being an MP, and time runs out for him on October 6.

The Pikerberg by-election must therefore take place before this date.

# Can change separate the chasm in time?

Political correspondent JOHN BAHERS reports on how passive resistance by women and children may influence the promises of change

THE recent spectacle of hundreds of Black women being evicted during a severe Cape winter, separated from their families and bundled into police vans for trial and repatriation to impoverished rural areas, will cast a sombre shadow over the first session of the new Parliament.

The non-violent and dignified response of more than 1 000 women and children who found themselves out of their homes overnight has exposed — more starkly than ever before — the consequences in human terms of applying the Government's influx control laws. It has focused the spotlight on the crucial of South Africa's internal problems — rural poverty, unemployment and the political accommodation of the urban Black.

And it has emphasised with chilling effect the hollowness of official utterances of change and the grand-sounding promises of reformist rhetoric.

The passive resistance of the women, which led to the large-scale arrests, has also vividly shown that the bureaucracy cannot cope when forced to take Government policy to its logical conclusion.

The prisons cannot cope and the courts cannot cope. Mr Ken Andrew, the new

leader, Mr Jaap Marais, announced that the party would, for the first time, also contest certain wards in the Johannesburg municipal election in March next year.

The HNP, which has established new offices at Moreesburg, Vredendal and Clanwilliam in the past few weeks, is confident of gaining at least 1 500 votes in the Pikerberg election, although this would still leave the NP a majority of about 6 000.

Mr Treurnicht is well known in the area and has lived there all his life.

Dr De Villiers, a former Springbok rugby captain, became the first Cabinet Minister to lose a nomination when he

While the final outcome will probably improve the position of Blacks in the cities it is unlikely to come to grips with the fundamental problem.

Mr Botha has made it clear that Coloured and Asian political rights come first on the reformist agenda and that Blacks will have to make do with political participation through the homelands for the foreseeable future.

Opposition politicians are not optimistic about the coming session and believe it will probably be another short one — possibly finishing in early October.

The session is likely to be heavily dominated by the Budget debate and issues such as inflation, the rising cost of living and the staff crisis in various arms of the civil service.

While the Opposition will have ample opportunity during the general debate of the first week and the various stages of the Budget debate to keep up its pressure on the Government to drop sharp reforms and to come to terms with fundamental change there is unlikely to be much progress in this direction on the Government side.

MPs are not expecting a

boards should be brought under closer control of the Department of Co-operation and Development and indications are that moves are being made in this direction.

Such a move would bring the administration of the country's most controversial race laws closer to home for Dr Kooznhof and would put the Minister and would put the Minister more directly in the firing line over the implementation of the pass laws, influx control and the Government's resettlement policy.

But the policies will still be there, and if the Prime Minister, Mr P. W. Botha wants to

erment will have to address itself.

The whole system of influx control and urban Black rights has been receiving the attention of a top-level committee under the leadership of Mr Justice Grosskopf following the withdrawal of the three "Kooznhof Bills" earlier this year.

But indications in informed political circles are that the — as yet unpublished — proposals of the committee will be far too controversial to take to the NP caucus and may therefore be referred to a Parliamentary select committee.

● The wall of the lost — and homeless. This baby's mother was one of the women scattered by teargas outside the Langa Commissioner's Court this week.

The only major legislation likely to be piloted through Parliament during the coming session is the labour legislation flowing from the sixth report of the Wiehahn Commission.

Draft legislation caused an outcry among unionists and employers alike and the Minister of Manpower Utilisation, Mr Fanie Botha, has already indicated that substantial changes will be made

the media and the top-level Human Sciences Research Council report on the country's education structure.

Both are likely to be highly controversial documents and the latter could become a major force for reform in the educational field, but it is almost certain no legislation will flow from either report during the coming session.

While the word is going out in Verligte Nationalist circles that the Prime Minister will



The image shows a group of people, likely a family, in a state of distress or being evicted, as mentioned in the text.



S. Express 206  
26/7/81

close the credibility gap between reformist rhetoric and fundamental change it is to problems like this that the Gov-

This would delay the passing of legislation at least until next year's session — and possibly later

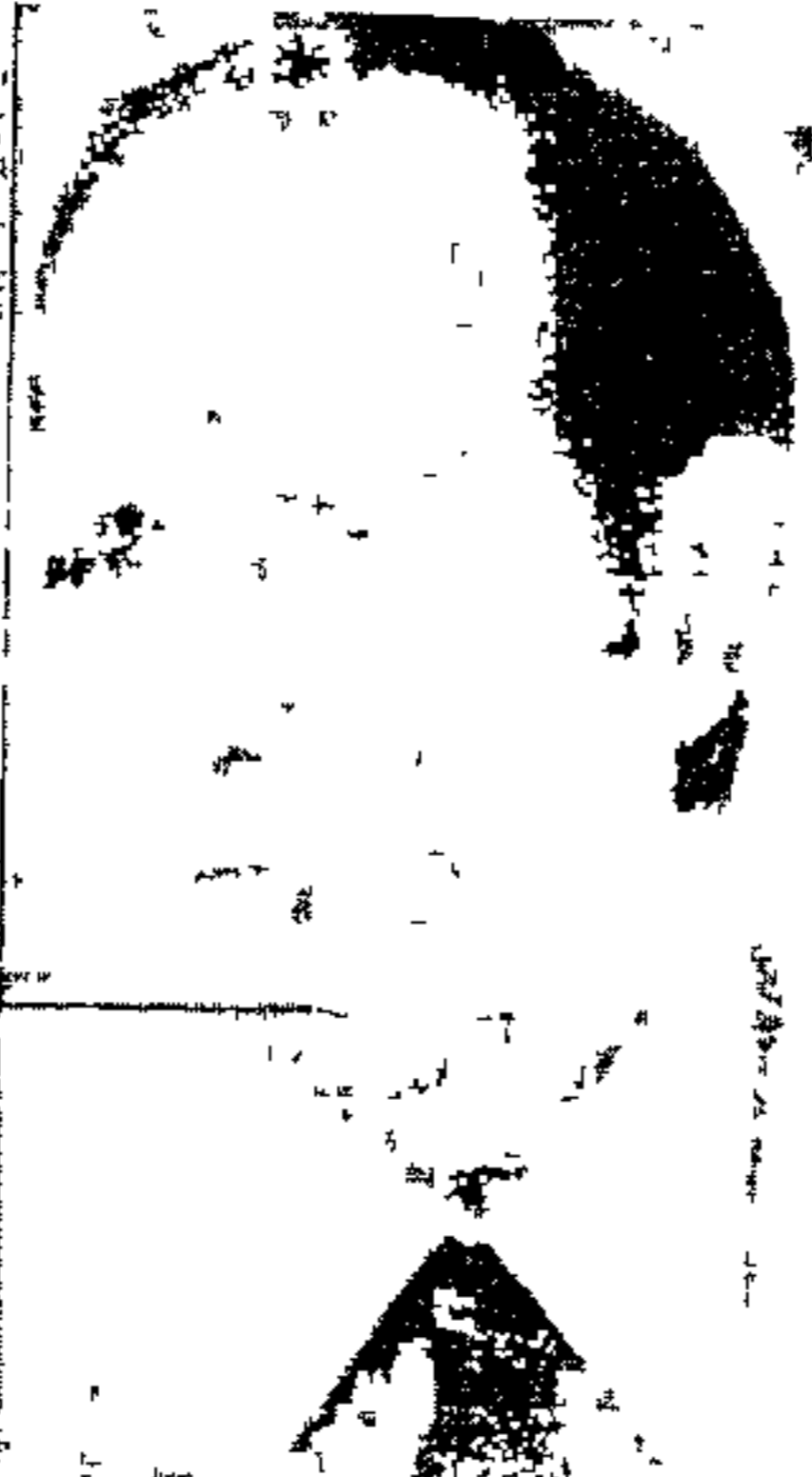


● Mr P W Botha  
... facing credibility gap



● Mr Fanie Botha  
... promised change

heavy legislative programme as most controversial issues are currently the subject of investigations by various expert committees and



● Mr Ken Andrew  
... witnessed evictions

Two major reports which are expected to be tabled during the current session are the Steyn Commission report on



● Mr Fredrik van Zyl Slabbert  
... not expecting a great deal

make a dramatic gesture in support of his reformist commitments during the first week of Parliament, Opposition MPs are generally sceptical that Mr Botha will produce anything of substance

The Leader of the Opposition, Dr Fredrik van Zyl Slabbert, says this is Mr Botha's last chance to restore his waning credibility and spell out a programme for reform, "but I don't expect a great deal"

And a credibility gap is not Mr Botha's only problem. He faces unprecedented ideological division and internal feuding in his own party and a growing political threat from both the Left and the Right

Many observers believe that his only way out is to give a bold lead in the direction of reform

Whether Mr Botha will take this advice remains to be seen but he is unlikely to take any action which he believes could lead to the dreaded split in the National Party



A COURTROOM battle took shape this week as lawyers added their own protest to the nationwide clamour over the Crossroads evictions and pass-law trials.

Defence counsel are drawing out the proceedings with legal argument for as long as they can. "What we're aiming for is to make cases last as long as possible," one lawyer told me. The ultimate aim is to bring the on-going pass raids to a halt.

To counter the move, the Western Cape Administration Board has been forced to fly in more magistrates from other parts of the country to open up new courts to try the offenders.

# Lawyers go slow in pass law protest

206 26/7/81

S. Times 26/7/81

206

## The clamour over pass-law trials goes on

## MIKE VAN NIEKERK reports

At the same time, the lawyers — all volunteers who work for nothing — are searching for legal loopholes that could enable them to get some of the hapless offenders acquitted.

One defence lawyer, Mr Joe Neeser, managed to drag out a case for three hours and at one stage was rebuked by the commissioner for "getting political."

The administration board, anxious to dispense with all the cases at hand after the huge

intake of nearly 1 200 homeless people arrested at Crossroads, mounted a counter-strategy on Friday when it became evident what was happening.

Additional courts were convened and relief commissioners, or magistrates, were flown in from the Transvaal to preside over them.

One new magistrate, Mr

Fred van der Merwe, a part-time law student at Pretoria University with experience at the Pretoria Magistrate's Court, said he merely wanted to see justice done.

The defence lawyers, who are being instructed by the Athlone Aid Centre and are drawn from 19 different Cape Town

law firms, are holding nightly meetings in a bid to devise a legal tactic which would crush all future convictions.

This tactic became apparent as lawyers bunched into court with fresh determination this week and tried to persuade commissioners to accept a new cause for defence — "necessity".

They argued that although their clients may have contravened influx control regulations, they were irrevocably compelled to do so out of the need to avert starvation.

Led by their defence counsel, the accused explained in detail the underlying cause for their contravention of the influx control laws.

They testified how they were unable to find work in Transkei and Ciskei and were driven to the big cities in search of wages to feed their families.

"This woman is here because she has two children and an ageing mother to feed in the Ciskei where she can find no employment," one lawyer told the court.

But in this case, as in others, the tactic has so far failed, with

magistrates applying the letter of the law.

The courtroom battle will resume this week as the lawyers continue to put the cause of "necessity" in a different light each time.

"We will keep plugging away until we can draw a precedent from a magistrate," said one lawyer.

"Then we will widen the breach and move in."

## DAILY THE CROWD GATHERS LISTLESSLY FOR NEWS OF FRIENDS AND RELATIVES WHO HAVE DISAPPEARED

### By MIKE VAN NIEKERK

THE law of apartheid is administered with chilling precision in a drab, asbestos-roofed building which bears the colonial-sounding name of Langa Commissioner's Court.

It stands in a desolate stretch of wasteland outside Cape Town.

This week the court became a focal point of protest by politicians, churchmen and welfare groups who oppose the on-going round-up of pass law offenders at nearby Crossroads.

In the wake of last week's big crackdown on squatters, scores of people — many of them women carrying babies on their backs — are marched daily through the court.

It is a major twist of irony that one of the lawyers, Nic Koorhof, cousin

of Dr Piet Koorhof, the Minister of Co-operation and Development, is assisting in the defence of the pass offenders — while a black man, Mr Dominic Mngomoni, is prosecuting. He does his job with quiet efficiency.

The senior prosecutor at Langa Commissioner's Court is Mr Jasper Fourie who was, briefly, an acting commissioner.

### 'Insensitive'

Last week the Sunday Times reported that his "insensitive" remarks from the Bench had sparked an uproar.

An official investigation was launched on Monday after Mr Fourie was reported to have told one woman she probably slept with a different

man every night and that only ba-boons and donkeys didn't need to carry passes.

Mr Fourie, a stout, bald man who wears thick glasses, was back in his job as prosecutor on Monday.

It is a job he pursues with diligence.

Once when a spectator in the court whistled in shock at the severity of a sentence, the commissioner asked: "Who was that?"

Mr Fourie quickly swung round and pointed at a woman in the crowded court.

Facing the court, which stands on the road to Langa township, a discoloured Transkeian flag flutters above the paint-peeled office of the Transkei Envoy.

Presumably, the envoy is sited there because the Commissioner's

Court is the first step in the repatriation of black "illegals" to their homeland.

Daily, a large crowd gathers outside the court and waits listlessly for news of friends and relatives who have "disappeared" in the pass raids.

Every now and then, the onlookers stir into activity when the large, iron gates at the back of the court swing open to admit a truck packed with pass law offenders arriving from Pollsmoor Prison.

The crowd surges around the side of the building to call at the dark mass of faces inside the truck. It is a brief moment to inquire after wives, broth-

ers and sisters before the gates clang shut.

There are a few white faces inside the courts — lawyers, reporters, the occasional priest, and foreigners.

Sometimes they are tourists, intrigued by the working of our apartheid laws.

When there is no legal representation the prisoners are whipped through the dock in quickfire succession.

The standard opening questions are: "Do you admit you are black?" "And: 'Have you been in the prescribed area longer than 72 hours?'"

So far no-one has denied the first question and inevitably the answers to both are "yes".

Justice is a simple application of the law: 60 days or R60.

### Offenders

Every now and then, the onlookers stir into activity when the large, iron gates at the back of the court swing open to admit a truck packed with pass law offenders arriving from Pollsmoor Prison.

The crowd surges around the side of the building to call at the dark mass of faces inside the truck. It is a brief moment to inquire after wives, broth-

ers and sisters before the gates clang shut.

There are a few white faces inside the courts — lawyers, reporters, the occasional priest, and foreigners.

Sometimes they are tourists, intrigued by the working of our apartheid laws.

When there is no legal representation the prisoners are whipped through the dock in quickfire succession.

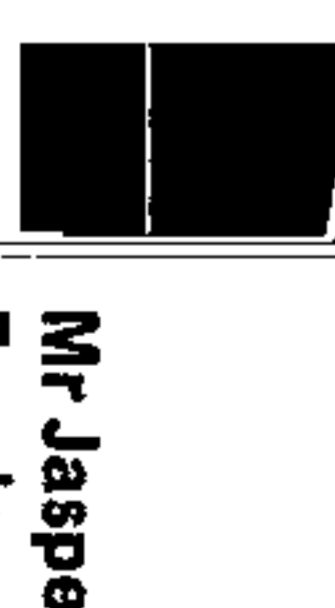
The standard opening questions are: "Do you admit you are black?" "And: 'Have you been in the prescribed area longer than 72 hours?'"

So far no-one has denied the first question and inevitably the answers to both are "yes".

Justice is a simple application of the law: 60 days or R60.



MR DOMINIC MNGOMONI  
Quiet efficiency



Mr Jasper  
Fourie:

27/7/81  
306

# Charity stall for homeless blacks closed

Staff Reporter

**MANY DONATIONS** of food, money, clothing and blankets for homeless black people had to be turned away in Pinelands on Saturday morning while Progressive Federal Party youth workers battled for permission to reopen their stall after police had ordered them to close down.

A spokesman for the Pinelands PFP youth committee said yesterday that two policemen had ordered them to dismantle their stall at a shopping centre only an hour after they had started collecting, apparently because a member of the public had

complained

"We had obtained permission from the shopping centre and the municipality, but because it had been given only verbally, the policemen would not accept it," he said

Members of the public who had responded to appeals for donations, had to be turned away for about two hours while frantic but unsuccessful efforts were made to obtain written permission for the stall

The acting station commander at the local police station finally gave a PFP deputation, which included Professor Geoff Everingham, MPC for Pinelands, permission to go ahead

The spokesman said members of the public were waiting to donate items during the two hours the stall was out of action

"Someone contacted Mr Ken Andrew and Mrs D. Bishop, PFP MP and MPC for Gardens, and Mr Tian van der Merwe, MP for Sea Point, and they arrived, giving us much needed support," the spokesman said

"The whole thing was an act of Christian concern for people in a terrible plight and it seems that even Samaritan acts like these are subject to discrimination," he said

In spite of the fact that the stall was closed for two hours, more than R200 in cash, and a large quantity of clothing, blankets, food and other items needed were collected

"The response was excellent, and although we haven't decided yet, we may hold more collections like this soon because there is an on-going need for help," he said



- 1) To improve overall standards of public health, and in particular to reduce incidence of water-borne diseases and diseases of insanitation amongst children and the inhabitants of the rural areas.
- 2) To maintain present levels of curative services, improving their standards and distribution where possible.
- 3) To create a situation within which a substantial moderation in the rate of population growth can be achieved within a reasonable period.

Government believes that the health services must be developed in a comprehensive curative-preventive framework. In order to

# Urban blacks 'crowding out' whites: Govt to investigate

27/7/80  
206

**By Peter Sullivan**  
Political Correspondent  
CAPE TOWN — A special Cabinet sub committee has been given the priority task of examining the "headache" caused by blacks "crowding out" whites in urban areas, according to Dr Koornhof, Minister of Co-operation and Development.

Interviewed on Sunday by an Afrikaans newspaper, Dr Koornhof said this Cabinet decision had been taken on Friday.

It is an obvious attempt to deal with complaints received from National Party voters during the general election.

The Cabinet would be looking at the "swamping" problem as a priority as it had become "a serious headache," Dr Koornhof said.

Asked what he considered to be practical measures to prevent the "swamping," Dr Koornhof is reported to have said that in all fairness blacks could be told their parks in Soweto were not overrun by whites.

"They can be told that blacks and whites must work together in the interests of both groups and not to bother each other."

"When 90 000 blacks, for instance, have to walk over the same bridge as 1 000 whites, unpleasant incidents can occur."

"It might be a solution to give each his own bridge."

"A similar measure could be that in places where there are mostly black people they could be allowed to visit a certain place for five days of the week and whites could have access for the other two days."

Dr Koornhof said that unlike in the past, when the Government had allowed local authorities to lay down guidelines for the elimination of "swamping," the Government itself would now decide on the guidelines after its investigation.

There would be a search for practical measures to protect whites in their own habitats, just as blacks were protected by law against white "swamping" in their areas, the Minister said.

Dr Koornhof's remarks were today described by Mrs Helen Suzman as "incredible."

"If it wasn't so tragic it would be laughable that in 1981, in a South Africa with a highly integrated economy, he can talk about insisting on separation," Mrs Suzman said.

"The consequences of what he has said are very grave indeed. Statements like these immediately undermine the efforts of moderate blacks to hold extremists in check."

"Dr Koornhof has now turned his back on everything he said in America two years ago about apartheid being dead."

As stated in the FAO/WHO workshop report that "Integrated rural development is seen as a process of balanced social and economic development in a given community." Its components may include, among others, development of family health, education, agriculture, industry and co-operative enterprises, social welfare, socio cultural and other aspects of community life. Hence training of the RHWs is interdisciplinary and the trained product is a co-ordinator at grass root level.

**Objectives of training:**

- 1) To produce a cadre of workers who will educate the community on importance of latrines and protected water supply in the

- o tivate it to attend
- child welfare services.
- the importance of
- maintenance of good
- ty on good nutrition
- ses by having kitchen
- houses for prevention
- ist pits and by control
- nce of participation in
- f health and economical
- the families in cases
- mongst members of the
- for disease surveillance
- serious illness.
- sonnel that will super-

and practice of how to live a healthy life. In order to achieve this the Ministry of Health started to train the lowest cadre of workers, because it has not been possible to build more clinics. The workers are known as motivators or Rural Health Visitors. The Rural Health Visitors (RHWs) are trained to deliver the services to every homestead in rural areas. Each RHW is allocated 40 homesteads in her area.

The process of selecting trainees is one of community participation.

10) To provide rural communities with a co-ordinator (RHW) between ministries involved in rural development.

Five groups have already been trained and the 6th will start the course in October-November 1978. It is estimated that by the year 1981 800-1000 Rural Health Visitors will have been trained for the whole country.

The training lasts for two months and the requirements are literacy







# Koornhof

RDM 27/7/81

# challenged on

# action against

# pass offenders

By AMEEN AKHALWAYA

THE Progressive Federal Party's Mrs Helen Suzman yesterday challenged Dr Piet Koornhof, the Minister of Co-operation and Development, to state unambiguously his position on the continuing official action against alleged pass law offenders.

The challenge was made as critics hit out at Dr Koornhof's public silence on the actions of bureaucrats, whom he himself labelled as "tortoises" for their inability to keep pace with changes his Government envisages.

Mrs Suzman, the official Opposition's spokesman on human rights, said that while Dr Koornhof seemed receptive to change, "like every other Cabinet Minister, he is a slave of the Nat caucus"

"So far, he has not fired a shot in anger. It is now time he stated clearly where he stood on these issues," she said.

In the past few days hundreds of blacks in the Western Cape were subjected to late-night pass raids, a Rand Supreme Court judge expressed displeasure at the West Rand Administration Board's attempt to separate a black man and his wife, a Parliamentary Select Committee blasted maladministration in administration boards — which play a major role in regulating the lives of blacks

Mrs Suzman called for the scrapping of the influx control system

Referring to the pass raids, Mrs Suzman said it made no difference whether police stopped blacks in the streets for their passes, raided their employers' premises or their township homes

"The laws have to be implemented, and subsequently are the cause of hardship, harassment and racial hostility"

## Christian

The general secretary of the SA Council of Churches, Bishop Desmond Tutu, reiterated his call for the scrapping of influx control. He said "God must weep at some of the things being done in an attempt to preserve a so-called Christian way of life"

While Dr Koornhof had declared war on the *dompas* and pointed fingers at "tortoises" in the bureaucracy, the application of the influx control laws was part of the Government's design of not having black South Africans by uprooting and resettling them; he said

"They are human beings who are being treated as less than human."

It was distressing, the bishop added, that the pass law arrests, enforcements of blacks out of certain areas and late night official raids were being carried out at a cost of so much human suffering and anguish

Dr Koornhof was not available for comment yesterday

Award  
ho has shown  
at the end

st student in the  
ng Constitution.

ion Prizes  
nt in the  
g Constitution.

en  
ions  
ively.  
hird, fourth &  
ding Economics I,  
t in each of

ce.  
n  
aining  
ntity  
e Western

nd student

PLANNING  
REGIONAL  
URBAN &

(Continued)  
SURVEYING  
QUANTITY

# Challenge to Koornhof on pass action

Own Correspondent

CT 27/7/81  
206

JOHANNESBURG — The Progressive Federal Party's spokesman on human rights, Mrs Helen Suzman, yesterday challenged Dr Piet Koornhof to state unambiguously his position on the continuing official action against alleged pass-law offenders.

The challenge was made as critics hit out at Dr Koornhof's public silence on the actions of bureaucrats, whom he himself labelled as "tortoises" for their inability to keep pace with changes his government envisages.

Mrs Suzman said that while Dr Koornhof, the Minister of Co-operation and Development, seemed receptive to change, "like every other cabinet minister, he is a slave of the Nat caucus".

"So far, he has not fired a shot in anger. It is now time he stated clearly where he stands on these issues," she said.

## 'Displeasure'

In the past few days, hundreds of blacks in the Western Cape had been subjected to late-night pass raids. A Rand Supreme Court judge had expressed displeasure at the West Rand Administration Board's attempt to separate a black man and his wife. A parliamentary select committee had blasted mal-

administration in administration boards, which played a major role in regulating the lives of blacks.

Mrs Suzman described the pass laws as being among the most discriminatory in South Africa, as they did not apply to whites, coloured people and Indians.

Calling for the scrapping of the influx-control system and for allowing all South Africans freedom of mobility, she said the government should concentrate on creating job opportunities and building houses for blacks.

Referring to the pass raids, Mrs Suzman said it made no difference whether police stopped blacks in the streets for their passes or raided their employers' premises or the blacks' township homes.

"The laws have to be implemented, and subsequently are the cause of hardship, harassment and racial hostility."

The general secretary of the SA Council of Churches, Bishop Desmond Tutu, reiterating his call for the scrapping of influx control, said "God must weep at some of the things being done in an attempt to preserve a so-called Christian way of life."

Human beings were being treated in a way that was less than human.

Dr Koornhof was not available for comment yesterday.



# Pass law arrests highlight plight of 'illegal' people

Augus 27/7/81

206

206

By BRUCE GORDON

THE arrest of more than 1 000 people under the pass laws in the past week has highlighted once again the plight of people classified 'illegal' by bureaucratic fiat.

As a result of the Western Cape coloured preference area policy, housing for Africans was frozen in 1967, resulting in enormous overcrowding and general deterioration in living and social condi-

tions for urban blacks in the Western Cape.

The law has meant demolition on a mass scale, chronic overcrowding, mass arrests and various stringent influx control measures.

Community worker Mr Rommel Roberts has done a study of Life Conditions of Migrant Workers and their Dependants in the Cape Townships.

The study deals with a sample of 80 old single-quarter units in the townships

of Langa, Nyanga and Guguletu. It takes the form of a questionnaire to find out:

Conditions in the single quarters where workers are housed;

The importance of family life;

The reasons for migration to the city.

The realism of separate development and its influx control counterpart;

First-hand accounts of home and conditions.

## Family life draws women to city

FAMILY life is unquestionably the main reason for African women leaving for the city, according to a study

The study 'Life Conditions of Migrant Workers and Their Dependents' was done in the township by a community worker, Mr Rommel Roberts, for the Western Province Council of Churches.

### BARRACKS

Discussions with some of the barracks chairmen in the townships revealed that

① Family life is unquestionably the main reason for women leaving for the city

② Homeland conditions cannot support a family and starvation is a reality

③ It is the norm rather than the exception for women to lose children in the homelands as a result of starvation conditions

④ Going back to the homelands is not an alternative but rather a certain slow death, apart from considerations such as housing and education

⑤ Overcrowding in the barracks with general health conditions borders on the impossible

Mr Roberts surveyed 80 units in townships barracks

Residents in single quarters were mostly agreed in their negative descriptions of conditions

From an eyewitness account the situation was impossible and inhuman he commented

Women were questioned to establish the reasons for their coming to Cape Town. About 68 percent said family life was the major factor

The many women interviewed emphasised that migratory labour was largely responsible for the break-up of family life and contributed greatly to untold hardship for dependants.

Decent medical attention was also seen as an important reason for coming to Cape Town.

About 32 percent of the women gave work as an additional or sole reason for coming to Cape Town

In many cases where it was given as the sole reason it was due to the death of the breadwinner or separation from the husband

The former Administration Board Commissioner, Mr F Botha, gave the attraction and excitement of the cities as the reason for the presence of so many Bantu in the Western Cape

The women laughed at this suggestion

## Protest meeting over Langa arrests

AMID growing condemnation of the eviction and mass arrests of people from Langa's Zone Barracks, a public protest meeting has been called in the city.

The meeting is planned to take place in the City Hall at lunch-time on Thursday.

Church and community leaders met people evicted from Langa's Zone barracks and now staying on an open lot at Crossroads. The decision to hold the meeting was discussed by representatives of the Civil Rights League, Western Province Council of Churches, the Progressive Federal Party, the Black Sash, Lutheran Church, Women's Movement for Peace, community workers and the Catholic Justice and Peace Commission.

### HOMELESS

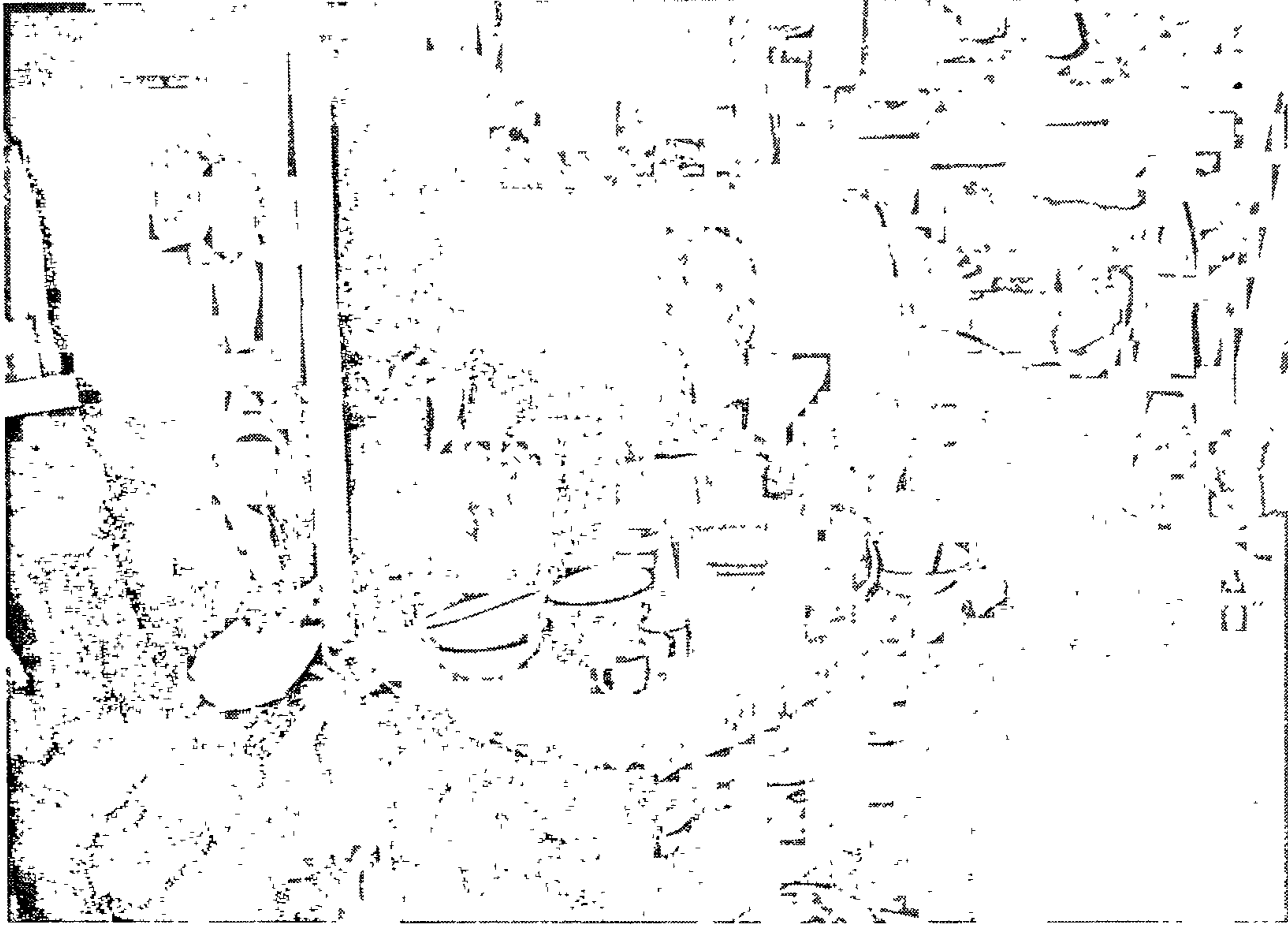
The Ad Hoc Support Committee for homeless people invited all organisations to send representatives in Guguletu yesterday to a meeting to show solidarity with those evicted from Langa, and to plan future support for them

The committee issued this statement:

About 900 people are in Pollsmoor Prison and a few are still in the bushes at Crossroads. Many of these have appeared in court in the past week. At the same time, police have removed zinc, tents and sails on a number of occasions, leaving people without any form of shelter

### OPEN DOORS

Meanwhile, the Dutch Reformed Church in Three Anchor Bay has joined other bodies which have agreed to open their doors for the collection of food, clothing and blankets for the homeless.



A STUDY of 80 barrack units in the townships showed that 69 of them were unsuitable for human habitation. In the Langa North barracks, above, floor space is at a premium

A CAPE TOWN study shows that migrant women lose on average one child each in the homelands because of starvation.

This is one of the most 'horrific findings' of a study which shows a life of 'unimaginable horror' for men, women and children living in single quarters in Langa, Nyanga and Guguletu.

The study of Life Conditions of Migrant Workers and their Dependants was done by community worker Mr Rommel Roberts for the Western Province Council of Churches

The study takes the form of a survey of 80 old single-quarter units in the townships

It looks into the plight of the Langa barracks dwellers, thus highlighting the realities of 'illegal' people's position

On average, each woman questioned had lost 1.1 children as a result of starvation

It lends further credibility to Langa women's plea in the pass law courts recently that 'we are starving in the homelands'

Mr Roberts says in his general comments that the

## 'Horrific findings'

study should be taken as ultra-conservative

The area of child deaths in the homelands was a tricky one which women felt very uneasy about and only answered after considerable reassurance in many cases

In some cases women lost as many as seven or more children before coming to the Cape Peninsula in desperation.

The extent of overcrowding in the barracks varies from cramped to the Hong Kong-type of sleeping in shifts with floor space at a premium.

No fewer than 1302 people were housed in the 80 units

Of the 80 units, 69 were totally unsuitable for human habitation and the remainder only relatively better, but not any more habitable by council standards

It is no wonder that the City Council Medical Officer of Health once referred to the single quarters as 'pigsties,' the report says

'That they constitute a serious health hazard is an understatement, with 64 of the 80 units being totally overrun with rats'

Washing and cooking facilities were generally found to be hopelessly inadequate.

'It is amazing that people are still able to go about their normal daily business given the conditions they live in,' the report said

Mr Roberts concludes 'The evidence laid bare in the study is damning. No amount of argument can wish away experiential evidence obtained from simple people whose only wish is to live in families, making a decent living free of harassment'

## 'Crossroads status' plea for families

AT a meeting in Guguletu at the weekend, residents of Guguletu, Nyanga, Langa and Crossroads elected a six-man delegation to investigate ways and means to halt the arrest of people living in an open field between Nyanga and Crossroads

The meeting was called by the Co-ordinating Civic Council, the

Guguletu Residents' Association, the Nyanga Residents' Association and the Crossroads Committee

About 200 people attended. Among the officials the delegation is to consult will be the chief commissioner for the Western Cape, Mr Timo Bezuidenhoud

About 100 families had to move into the open when they were evicted from the Langa hostels

The meeting felt that they should be given the same status as people at Crossroads

It was also decided that the delegation should investigate

ways to stop an impending bus fare increase

Also discussed at the meeting was the annual stay-away on June 16 and 17. The meeting voted that the stay-away should continue

The delegation is to report back to a meeting at the Uluntu Centre on Saturday



An assessment of self-help projects in a district of the Transkei

1. GENERAL INTRODUCTION

Page No. 1

PART I

2. INTRODUCTION AND BACKGROUND INFORMATION TO PROJECTS SECTION

- 2.1 Rehabilitation
- 2.2 Zenzele and N.M.'s position
- 2.3 Method in looking at the projects
- 2.4 Notes

2	2
2	2
3	3
4	4
6	6

3. DAIRIES

- 3.1 Inkomo Dairy: Brief History
- 3.2 Amathole Creamery and Dairy: Brief History

generation

7	7
7	7
11	11
12	12
12	12
18	18
19	19
20	20

8. INTRODUCTION

54

9. FACTORS INFLUENCING WHY PEOPLE DON'T RESPOND TO PROJECTS

57

- 9.1 The effect of economic non-viability
- 9.2 The effects of people's experience of exploitation
  - 9.2.1 Exploitation by Outsiders
  - 9.2.2 Exploitation by local people

57

10. INDUCED CO-OPERATIVES AS OPPOSED TO ASSOCIATIONS WHICH GROW OUT OF PEOPLE'S CONSCIOUSNESS OF THE NEED TO COMBINE

62

11. THE MYTH OF COMMUNITY

64

12. SMALL PRODUCTION GROUPS AS OPPOSED TO 'COMMUNITY' PROJECTS

69

13. FACTORS INFLUENCING MEMBERS' COMMITMENT TO PROJECTS

71

14. POWER STRUGGLES

76

15. EXPERIENCE OF 'DEVELOPMENT' LEADING TO A CHANGE IN CONSCIOUSNESS

80

16. GENERAL CONCLUSION

82

# The tally: 16 Pass Law cases in a day

Sto 28/7/81 206

CAPE TOWN — Three courts from Cape Town — two in Langa and one at Pollsmoor Prison — took the whole of yesterday to hear 16 Pass Law cases.

The sessions only started at 1130 am, with lawyers acting pro amico for most of the accused struggling to interview as many clients as possible before this time.

Five people were given suspended sentences, three were fined R60 (or 60 days), two R50 (or 50 days) and one R30 or 30 days)

In many cases lawyers pleaded the defence of necessity. Arguing that their clients had been compelled to go to Cape Town because of a lack of employment opportunities in Transkei and Ciskei.

Being sane people of reasonable intelligence they would not willingly expose themselves to the kind of treatment they received in the Peninsula unless their prospects in the homelands were considerably worse, lawyers argued.

Mr Wellington Songayi (37), married with two young children, told the court he had worked as a casual gardener since 1972.

He had managed to find work about two days every week and was paid between R5 and R6 a day.

He admitted this was not much but said that in Ciskei, where he came from, there would have been no work for him at all — Sapa

6.1	Reserves	40
6.2	Recurrent trends in Projects, Reserves and other Under-developed Economies	44
6.2.1	Economic Factors	44
6.2.1.1	Poverty of Resources	44
6.2.1.2	Supplementary or Primary Projects	45
6.2.1.3	Non-viable Co-operatives	48
6.2.2	Class Factors	48
6.2.2.1	Projects benefiting richer people	49
6.2.2.2	Communalism as a cover	49

7. SUMMARY OF MAIN TRENDS DISCUSSED IN PART I

52

+ + + +



# Pass law lawyers plead necessity

Staff Reporter

THREE courts, two in Langa and one at Pollsmoor Prison, took the whole of yesterday to hear 16 pass law cases.

The sessions got under way at 11 30am, with lawyers, appearing pro amico for most of the accused, struggling to interview as many clients as possible before this time.

Five people were given suspended sentences, three were fined R60 (or 60 days), two were fined R50 (or 50 days) and one person was fined R30 (or 30 days).

In many cases lawyers pleaded necessity on the part of their clients, arguing that they had been compelled to come to Cape Town because of a lack of employment opportunities in Transkei and Ciskei and that, being sane people of reasonable intelligence, they would not willingly expose themselves to the kind of treatment they got in the Peninsula unless their prospects in the homelands were considerably worse.

Mr Wellington Sonqayi, 37, married with two young children, told the court he had worked as a gardener on a casual basis since 1972.

He managed to find work for an average of two days every week and got paid between R5 and R6 per day.

He admitted that this was not much but said that in Ciskei, from where he originally came, there would have been no work for him at all.

In spite of the cold weather and the fact that the hearings had already been conducted for almost ten days, enough friends and relatives turned up to fill both courts at Langa and the one at Pollsmoor.

# A DISASTER CREATED

*Sawetun 29/7/81 (206)*  
THE Government's enforcement of influx control has created a disaster in the Western Cape similar to the Langsburg floods, the Progressive Federal Party MP for Sea Point, Mr Tian van der Merwe, said yesterday.

Referring to community workers in Nyanga handing out food and blankets to people homeless after evictions and pass law swoops, Mr van der Merwe said it was the kind of aid one expected in a natural disaster like the Langsburg floods:

"This kind of disaster has been brought about entirely at the hands of the South African Government," Mr van der Merwe said.

He added: "If ever there was an indication of the failure of influx control and the pass law system, it is that they have had to practically double the court capacity for the prosecution of contraventions of these laws

if there were to be more arrests in a month or so, the system would be even less able to cope with the enforcement of the laws

"The people will be back. They will not return to the homelands, and if they are taken to the homelands they will come back

"There is no future for them in the homelands, there is no food and there is no employment"

Mr van der Merwe said there was a need for people to be made aware not only of the human suffering involved, but also that there was a financially viable alternative.

"If all the money paid for the administration of the pass laws were used for development, for instance, in underdeveloped areas, particularly to create jobs in the areas where these people come from, it would have more effect to balance out migration"



# Families face starvation, court told

Staff Reporter

A CISKEI family of six would barely subsist or face complete starvation if the husband, who worked illegally in Cape Town, was forced to return home, a labour economist told the Langa Commissioners' Court yesterday.

Mr Charles Simkins, a senior research fellow attached to the Southern African Labour Development Research Unit (Saldru) at the University of Cape Town, was giving evidence in the trial of Mr Philip Mzilikazi, 35, of Queenstown.

Mr Mzilikazi, a father of four children who has worked in the Peninsula since 1974, is charged with being in the Peninsula longer than 72 hours without permission and not possessing or alternatively failing to produce a reference book. He pleaded not guilty to both charges.

Mr Simkins was called by Mr Andrew Dalling, for Mr Mzilikazi, to give expert evidence on unemployment and socio-economic conditions in the homelands.

## Settlements

He said there were about three million people living in the "closer settlements" — urban-style areas with no employment centres of their own. These families were dependent on earnings from nearby white areas and from migrant workers working far away from home.

Mr Simkins said studies had shown that job prospects in the homelands were poor. A recent survey found that 85 percent of economically-active males were employed in the metropolitan areas of South Africa, while only 46 percent had jobs in the homelands. If a man working illegally in Cape Town was forced to give up his job and return home the chances of finding work in the informal sector would be less than one in 10, Mr Simkins said. If he remained unemployed, the family would

have an extra mouth to feed, without monthly remittances from Cape Town. With charity from neighbours and relatives, the family would "live a low-level subsistence." Without charity, they would starve.

He said 117 out of every 1 000 black children died before the age of five. In urban areas the figure was down to 98, while the rural infant mortality figure fluctuated up to 123.

Mr Simkins said the government had rejected a recommendation by the 1955 Tomlinson Commission that homelands would have to create jobs for 1.6-million workers by the mid-70's. A recent survey had found that homelands throughout South Africa had a total of only 280 000 jobs — 160 000 in government and 120 000 in the private sector.

## 'Vital'

The commissioner, Mr Lionel van Wyk, interrupted and asked Mr Dalling why the statistics were not simply given to the press to publish. He said "I am not interested in statistics I can read this in any newspaper."

Mr Dalling said the statistics were "relevant and vital" in showing that it had been necessary for Mr Mzilikazi to come and work in Cape Town. Mr Van Wyk later agreed to hear the evidence when Mr Dalling arranged for recording equipment.

In his further evidence, Mr Simkins said higher wages in urban areas were an incentive in the continuing migration from rural areas.

"People who are unable to find employment in the homelands and come to the cities to seek work either feel it is to their advantage or have no real alternative," Mr Simkins said.

The hearing was adjourned to August 14. Mr Mzilikazi was granted bail of R30.

Mr Dominic Mngomeni prosecuted.

# Woman: Plea for evicted Langa children

Staff Reporter

A GUGULETU grandmother and member of the United Women's Organization (UWO) had pass law charges against her withdrawn in the Langa Commissioners' Court yesterday after spending four days in prison.

Mrs Fransina Mamfanya, 55, of NY 13, Guguletu, was arrested with about 35 other women when she and the chairwoman of the UWO, Ms Mildred Lesea, visited an open lot near Crossroads, where former residents of Langa's Zones barracks are sleeping in the open.

In terms of the Black Urban Areas Act, Mrs Mamfanya, who grew up and married in Cape Town, qualifies to live and work in the Western Cape without permission.

When she appeared in court yesterday morning, the prosecutor, Mr Dominic Mngomeni, informed the court that the case had been referred to the Langa Aid Centre, which recommended that charges be withdrawn.

## Reference book

Mrs Mamfanya was originally charged with being in the Peninsula longer than 72 hours without permission and not possessing or alternatively failing to produce a reference book.

Mrs Mamfanya, who walked to Guguletu after her release from court, said from her home last night "I feel very angry. Something must be done. I told them they treated us like human rubbish."

She said she had told the Administration Board inspectors that she had a reference book when they arrested her and the other women on Friday.

"I told these people that I have my pass, but they said I must go straight to the van, where they chucked me in. The van was packed. There were about 36 of us, all together," she said.

Staff Reporter

AN appeal was made yesterday for food and clothing for at least 50 small children living with their mothers in the bush near Crossroads after recent evictions.

Mr Brian Bishop, chairman of the Civil Rights League, has been visiting the area daily and organizing assistance.

He said many of the older children seemed to have been taken in by the community. But he thought at least 50 children under the age of three were with their mothers in the bush.

"These people have been in the open, without shelter, for the past week, which was a very wet one. During that time, a lot of the children have been getting progressively weak and sickly."

"At the beginning they were singing and playing as

if it was a picnic in the country. Now they just sit. "There is a desperate need for food and medical treatment and warm clothing for the children in particular. We also need umbrellas to give some shelter."

Welfare organizations have already appealed for blankets, disposable nappies, tinned food, high-protein powdered food and heavy-duty plastic sheeting.

Contributions can be handed to the Catholic Welfare Bureau, 37a Somerset Road, Green Point, The Women's Movement for Peace, St Saviour's Church, Main Road, Claremont, or the Dutch Reformed Church, Three Anchor Bay.

● A lunch-time "meeting of reconciliation" between Cape Town citizens and women of Langa has been arranged at St George's Cathedral at 11pm tomorrow.

# 20 pass law cases dealt with

Staff Reporter

COMMISSIONERS at Langa and Pollsmoor prison yesterday dealt with more than 20 cases involving pass law offences.

In one of the two courts at Langa, cases against five people were adjourned. Charges against a further four were withdrawn. In one case, charges against a woman admitted to Victoria Hospital for confinement were withdrawn "on compassionate grounds." The remaining three were freed at the recommendation of the Aid Centre.

The court spent most of the day hearing expert evidence in the trial of Mr Philip Mzilikazi, who is charged with remaining in the Peninsula longer than 72 hours and not

possessing or failing to produce an identity document.

In the other Langa court, about six cases were heard. Fines of up to R60 (or 60 days) were imposed.

Eight cases were heard in the special court sitting at Pollsmoor Prison. One person was acquitted, another hearing was adjourned to Friday and the remaining six accused were fined or given suspended sentences. An advocate, Mr Nigel Willis, instructed by Frank, Bernhardt and Joffe, appeared for all the accused.

An unknown number of people also appeared in a commissioners' court sitting in Observatory.



# 'Bread, water' for prisoners

Staff Reporter

THIRTY-SEVEN women and 23 children spent three days in Manenberg police cells living on water and one slice of bread each a day after being arrested on pass-law offences on Friday, according to MPCs Mrs Di Bishop and Mrs Molly Blackburn.

On the day of their arrest and the night following it, they were given no food at all, the two women told the Cape Times last night.

By 6pm on Monday the arrested people were still in the cells, had not appeared in court and had not been told what was to happen to them.

Their relatives, many of whom had been trying to trace their whereabouts since they were rounded up behind the administration board offices in Nyanga at 3pm on Friday, had still not been told where they were being held.

Mr Mahanjana Meyisi, who spent the weekend in a fruitless search for his wife and baby, visited Manenberg police station on Sunday only to be informed by the authorities that they were not there.

The following day he saw them both as they were about to be transferred to Pollsmoor Prison.

Mrs Bishop and Mrs Blackburn said they discovered this situation when they visited the police station on Monday in an effort to secure the release on bail of a

man's 19-year-old daughter and her two children, one of them seven months old and the other two years.

They said the commissioner of Langa Commissioner's Court, Mr L van Wyk, told them on Monday morning that the women had been remanded *in absentia* till August 10.

In accordance with "instructions from higher up", he told them, no bail was to be set.

Later in the day, however, after most of the relatives and friends of the imprisoned women had left, Mr Van Wyk, accompanied by another magistrate from Langa Commissioner's Court, Mr W Fourie, arrived at Manenberg police station and told Mrs Bishop and Mrs Blackburn they had come to interview all the prisoners and release those who should not have been arrested.

They said the remaining prisoners would be granted R30 bail and taken to Pollsmoor, from where their relatives could fetch them the next day.

Brigadier D P Nothnagel, Divisional Commissioner of Police for the Western Province, last night, promised to investigate.

The Chief Commissioner for the Department of Co-operation and Development in the Western Cape, Mr Timo Bezuidenhoud, was not available for comment.



# Langa arrests: Police account is disputed

Political Correspondent

A PROMINENT civil rights worker has disputed the official police version of developments which led to tear-gas being used to disperse a crowd at Langa earlier this month

Mr. Brian Bishop, chairman of the Civil Rights League, was at the Langa Commissioners Court on July 16 as part of a delegation from the Roman Catholic Commission for Peace and Justice

Although he left before police used teargas to disperse an estimated 800 black people who had gathered there, he said he had witnessed the build-up of events and had telephoned the Divisional Commissioner of Police, Brigadier D B Nothnagel, from the Langa court to appeal for restraint

## 'Peaceful'

He had told Brigadier Nothnagel the situation was "tense but peaceful" and that police insensitivity was more likely to provoke a riot than anything else

Mr Bishop believes the use of force could have been avoided, but his assessment is disputed by Brigadier Nothnagel, who said police had "done a superb job of work" in dispersing an illegal crowd without injuries to anyone

Mr Bishop also contests official police statements that the crowd had threatened to storm the court to release others accused of being illegally in the Peninsula

He said in an affidavit given to newspapers yesterday that in his presence the police captain in charge at Langa had incorrectly told Brigadier Nothnagel in a telephone conversation that

- There was a large crowd on the stoep and pushing against the court door
- The court was in session at the time
- The crowd was breaking things
- That they were calling for the release of those who had been arrested

Mr Bishop said he had im-

mediately challenged these statements in his own conversation with Brigadier Nothnagel. He had read to his horror the next day that Brigadier Nothnagel had stated that the crowd had threatened to storm the court to release the accused

"Not only is this incorrect, it isn't even what he was told

"He was told (incorrectly) that the crowd was 'calling for' release (which would presumably be legal) and passed the story on appearing as if a serious offence had been committed

"No wonder we have such odd bannings and detentions based on police 'sound information'," Mr Bishop stated

He maintained that the crowd had been entirely peaceful, without any signs of hostility, and that they had gathered to present themselves for arrest as a form of passive resistance

## 'Celebrations'

Mr Bishop said the police action would have been welcomed by those who believed peace-making efforts merely delayed the day of change

"The teargas attack was undoubtedly celebrated by the Marxists and would be more celebrated if it had developed into another Sharpeville"

● Brigadier Nothnagel said he was quite happy with the police action

"They did a superb job of work in dispersing, without any injuries to anyone, a crowd which had gathered in contravention of the Riotous Assemblies Act

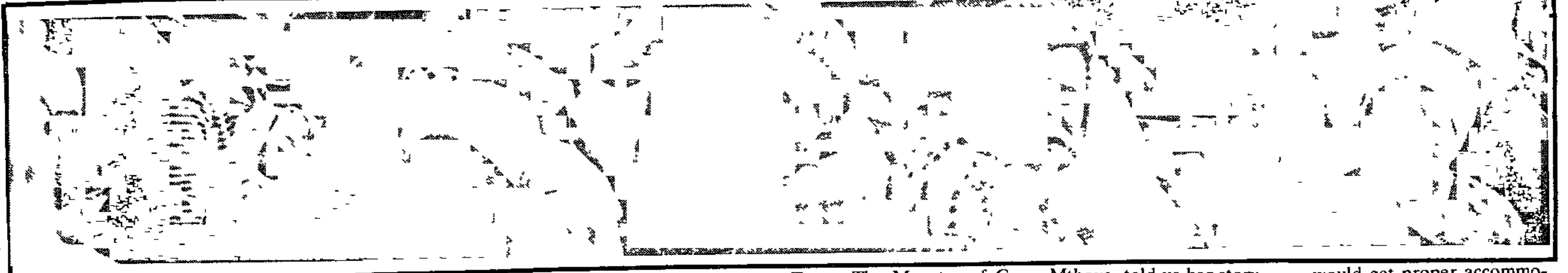
"They were absolutely restrained. They used the least possible force under the circumstances"

Asked whether the situation could have been headed off, or handled differently by a more senior officer, he said these were "hypothetical questions on which he would not comment

He advised Mr Bishop to "stick to whatever he is trained for in life and leave police work to the professionals"



# Women on the march . . .



**FIFTY-EIGHT women who won the right to stay in the Cape Town area by defying the authorities have become a symbol of relentless courage and successful resistance.**

In May, these women and their families were evicted from their homes in migrant barracks because they had no legal right to be in the area. The men were allowed to stay, but the women were evicted. On arrival in the home-land, they promptly walked 80km to Queenstown, hired a bus and returned to Cape

Town. The Minister of Co-operation and Development, Piet Koornhof, has since given them the right to stay in Cape Town. One of the women, Miriam

Mthoya, told us her story. "In 1979, me and my family were taken by the (Western Cape Administration) Board to the barracks in Langa and we were told we

would get proper accommodation later.

"We paid R6 a month rent until this year they gave us notice to leave the barracks and they took our rent cards.

"We told them we could not leave because we had nowhere to go. But they just said we must leave.

"They arrested us three times and we had to pay R70 each time for each person for being in the area illegally.

"Then in the last raid, when we went to court, they closed the barrack gates. We had to go and ask them to let us take our clothes out.

"We had nowhere to go until we found a place in a church. The men were sleeping in one church and we were sleeping with our children in another.

"We stayed there for two months until we decided to come to this open place here next to Crossroads.

"Then one day an inspector came to talk to us. He told us he was Dr Koornhof, but we knew who he was. He said he had to do what the Bible told him to do. He said we had come here to take the food and the jobs from others who were here legally.

"He told us he was going to legalise our husbands but we were going to be taken home.

"We didn't even have our clothes. Some of us didn't even have our children with us. They just put us on the bus and dropped us the next day in Transkei.

"We footed it to Queenstown. It was about a day's walk and we got one lift. Then we hired a bus and came back to Cape Town.

"The bus dropped us near Crossroads and the inspectors came and asked us who we were. But they knew our faces.

"There was one pregnant woman having labour pains and one small child was having fits, so our husbands took us to their tents.

"The Boers came there and were standing over us so our husbands stood around us all night and made a big fire. The next day they sent us a message — they had decided to destroy our homes.

"But the church ministers went to speak to them and they said we could make temporary houses until Dr Koornhof decided what was to happen.

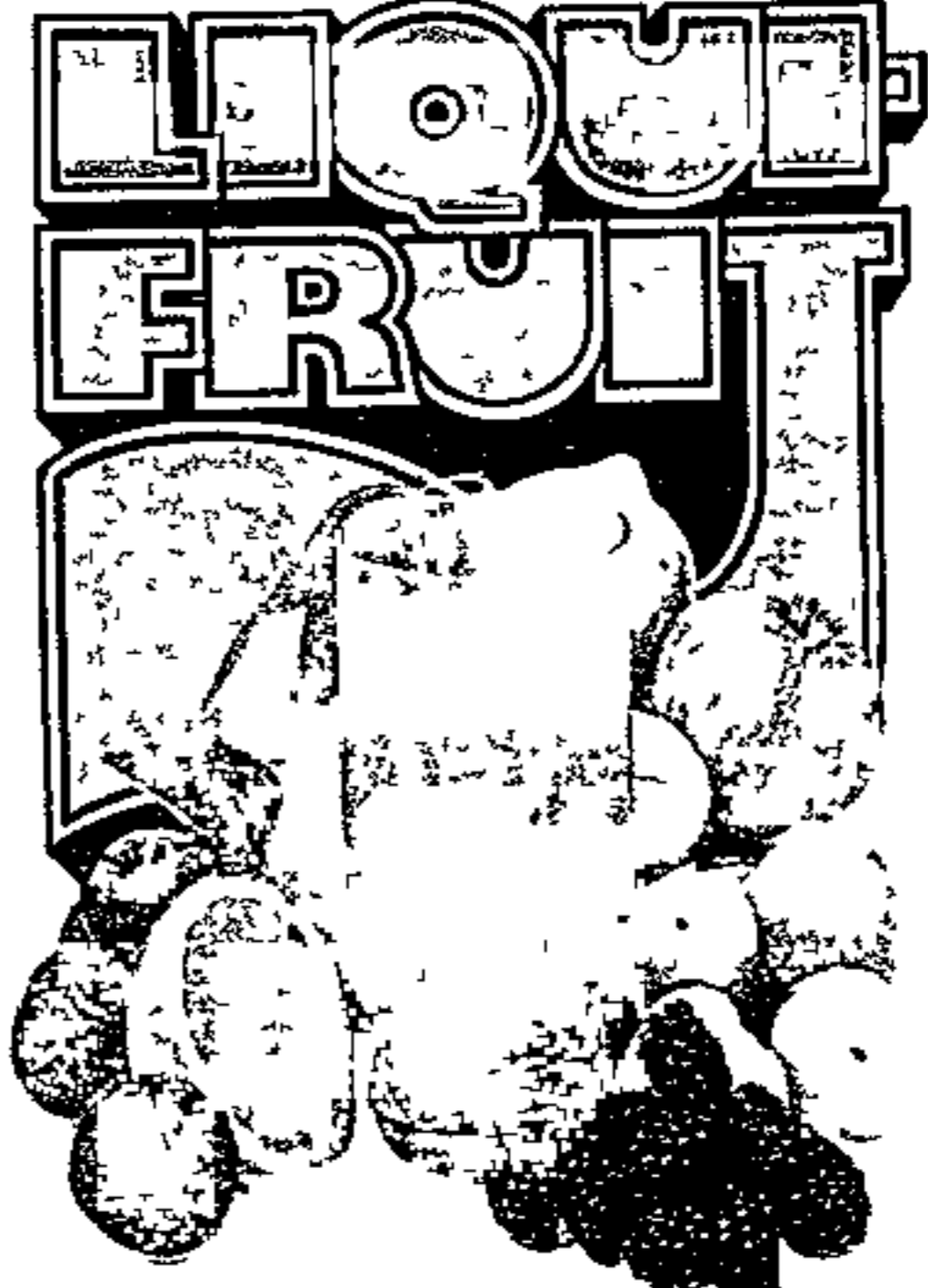
"Then they said they were going to deal with each of us individually and only those who had been in Cape Town more than ten years could stay. The rest would be sent back again.

But we said no, we must be dealt with together and we asked him to legalise us all and let us live in this open space.

When they said yes, we sent ten people first and when we saw they were legalised and could build their houses the rest of it went.

"It was a real victory."

**IT'S ALL FRUIT, ONLY FRUIT, IT'S LIQUI-FRUIT.  
NO SUGAR, PRESERVATIVES OR COLOURING ADDED. 100% PURE.**



Liqui-Fruit's delicious fruit juice blends are 100% pure. Try them all. Appletiser makes them, that's why they're good. Apple, Guava, Pear, Apricot, Orange, Grapefruit, Lemon, Youngberry, Plum, Banana, Peach, Clear Apple.  
*Everybody's drinking it!*



*Sewela 29/7/81*

MANY countries have housing problems but there must be few where the authorities could evict people from their homes and then systematically destroy any attempt they made to shelter themselves from winter cold and rain.

This was the scene in the Cape Town area last week as administration board officials prevented the "illegals" they had evicted from the Langa barracks from erecting the most meagre of shelters.

As a result hundreds of people, including mothers with babies strapped to their backs, had to spend the cold, wet weekend in the open.

So miserable was their condition that they looked with envy on the others who had already been arrested and had spent the time in Pollsmoor Prison. For in prison they were at least out of the rain and wind.

So when police arrived to arrest the remaining group, they handed themselves over in a spirit of defiance, singing songs and clapping their hands as they lined up to enter the police vans.

The crowd of onlookers — journalists, churchmen, and members of the public — were astounded by what they saw. The apparent heartlessness of the authorities was matched directly with the unequivocal defiance of the squatters and both attitudes seemed beyond comprehension.

But this incident was not an isolated one. It is part of a long pattern of events over the past few years of which the Crossroads squatter camp has been the focal point. And it is only with that background in mind that the logic of both sides makes sense.

Influx control is implemented and policed in Cape Town in a way that would seem quite foreign to people in other parts of the country. This is because the grand scheme of apartheid has degenerated the Western Cape as a "coloured preference area" and so there is a far more rigorous effort to stop people flowing into the area from the homelands.

One way this is done is by ensuring they have no legal status and then playing them off against those who have the legal right to be in the area.

"There are more than 2 000 people on the waiting list for houses, people who qualify to be in the Cape Town area. How can one provide housing to strangers who are breaking the law?" argued Brigadier J H van der Westhuizen, chairman of the Western Cape Administration Board.

"People in the area illegally are entirely against us doing that," he added.

The choice facing the homeless "illegals" is to either return to the Transkei or Ciskei or defy the law by squatting. But they have persistently refused the former by rejecting the offers to be evicted free to the homelands. They argue that they have nothing to return to in the homelands. Some of them have lived illegally in Cape Town for up to ten years.

Instead they chose to stay as "illegals", to defy arrest and to pressurise the authorities into giving them legal status.

So after the latest group of 1 000 were evicted from their hostel homes last week, they moved into the area outside

# A spirit of defiance marked their evictions

Crossroads but were prevented from building any shelters and were eventually arrested in three massive police swoops.

What is the motivation for their defiance? Emblazoned in their memories is the success of the Crossroads people's "We will not move" defiance.

And another incident in May reinforced this. The administration board evicted 58 women from their homes in

Langa and bussed them immediately back to the Transkei (see Page 6). As soon as they were dropped in the homeland, the women walked 80 kilometres to Queenstown, hired a bus and returned to Cape Town.

They have since been given the right to stay in the area and have erected shacks outside Crossroads.

The other illegals are acutely aware of these precedents. They are hoping that if

they also show a united and relentless defiance, they too will win the right to remain in the area.

But it is no easy path to follow. It has meant spending cold, wet winter nights in the open. Even attempts to build shelters from sticks and branches were stopped and the equipment confiscated. It also means prison, heavy fines and the likelihood of being shipped out to the homelands anyway.

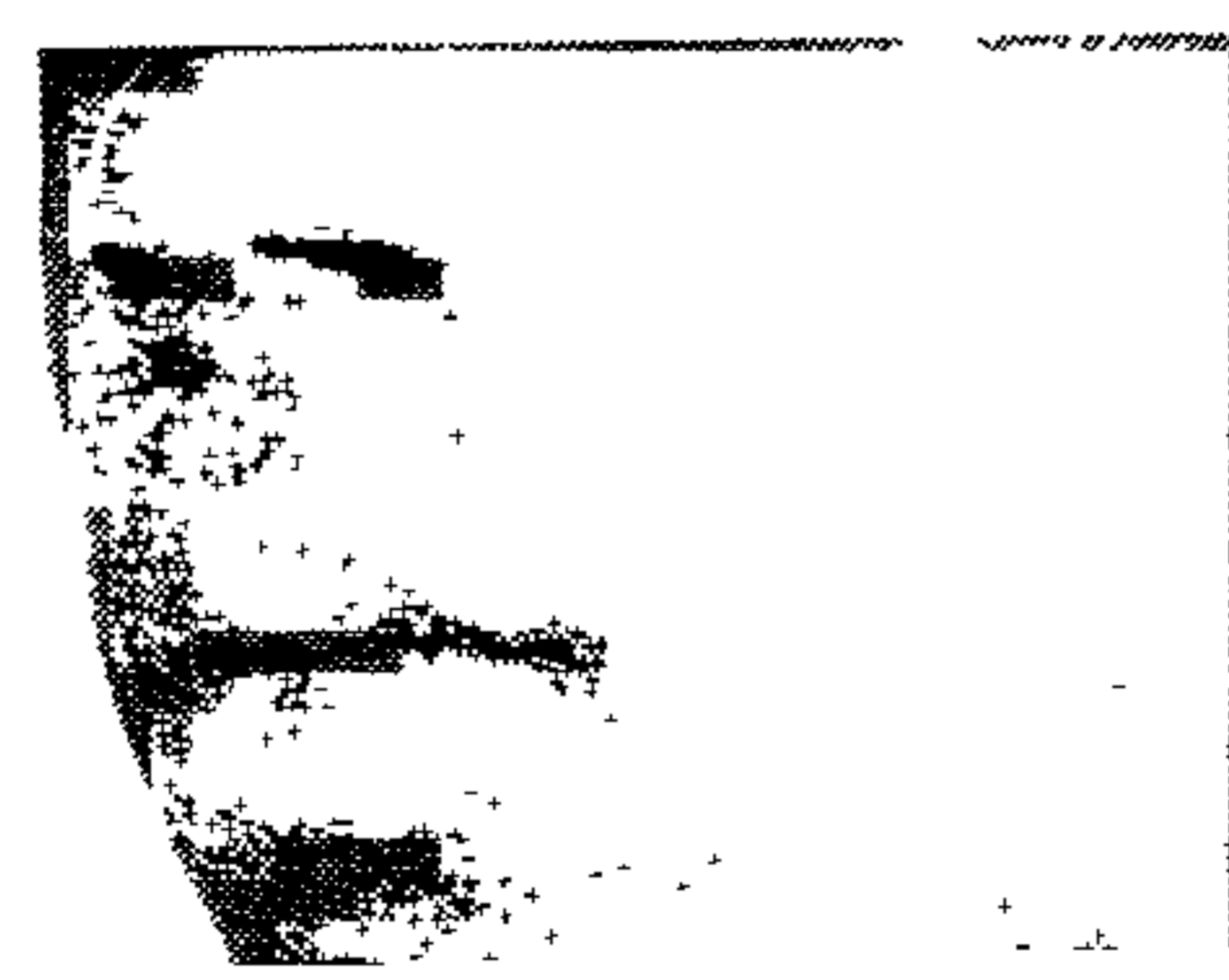


The moved . . . The mover

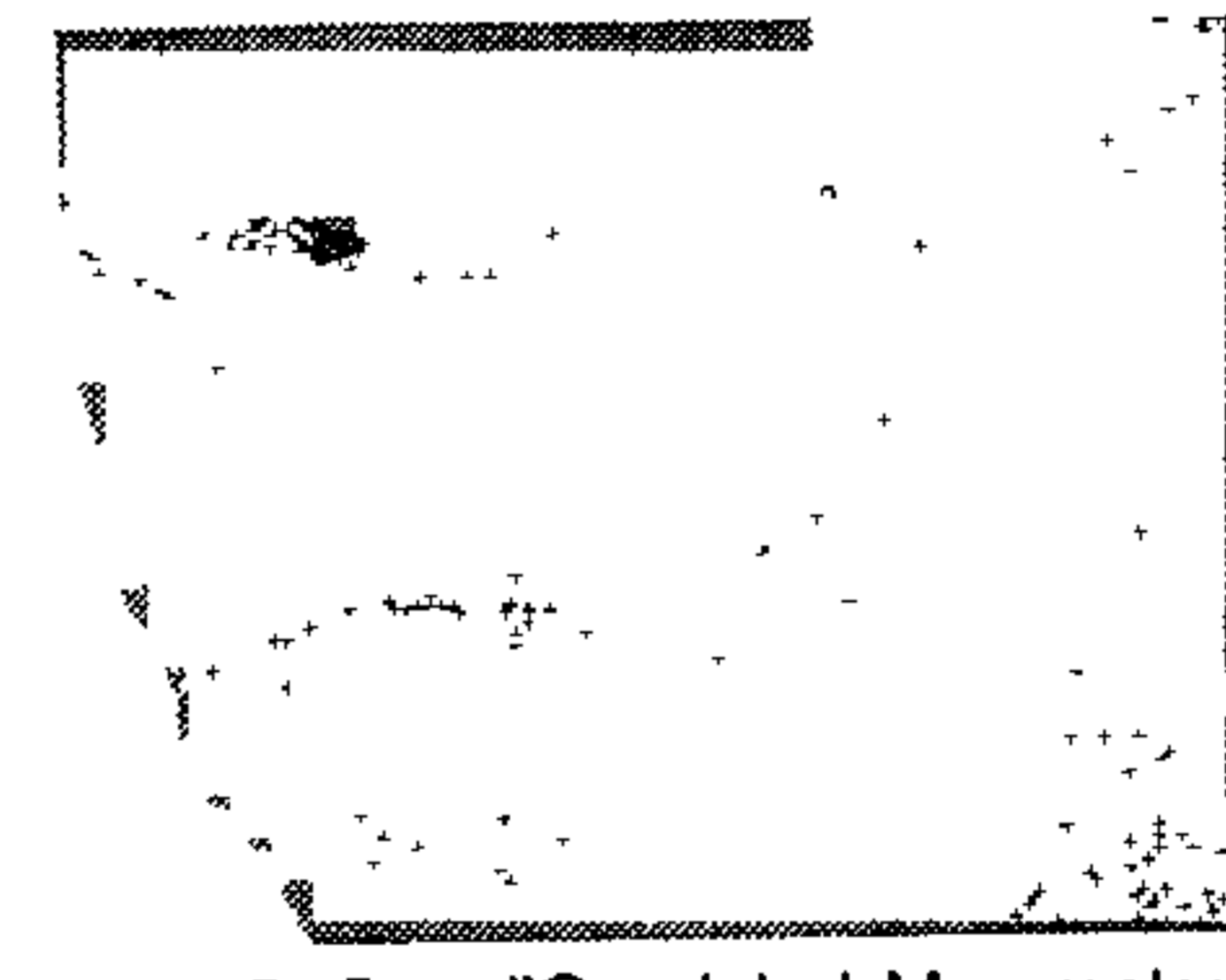
Benzoyl peroxide MYTOLAC Reg no L/13 12/292 Each ml contains 50 mg Benzoyl peroxide

## Use Mytolac. It works against pimples in just 5 days.

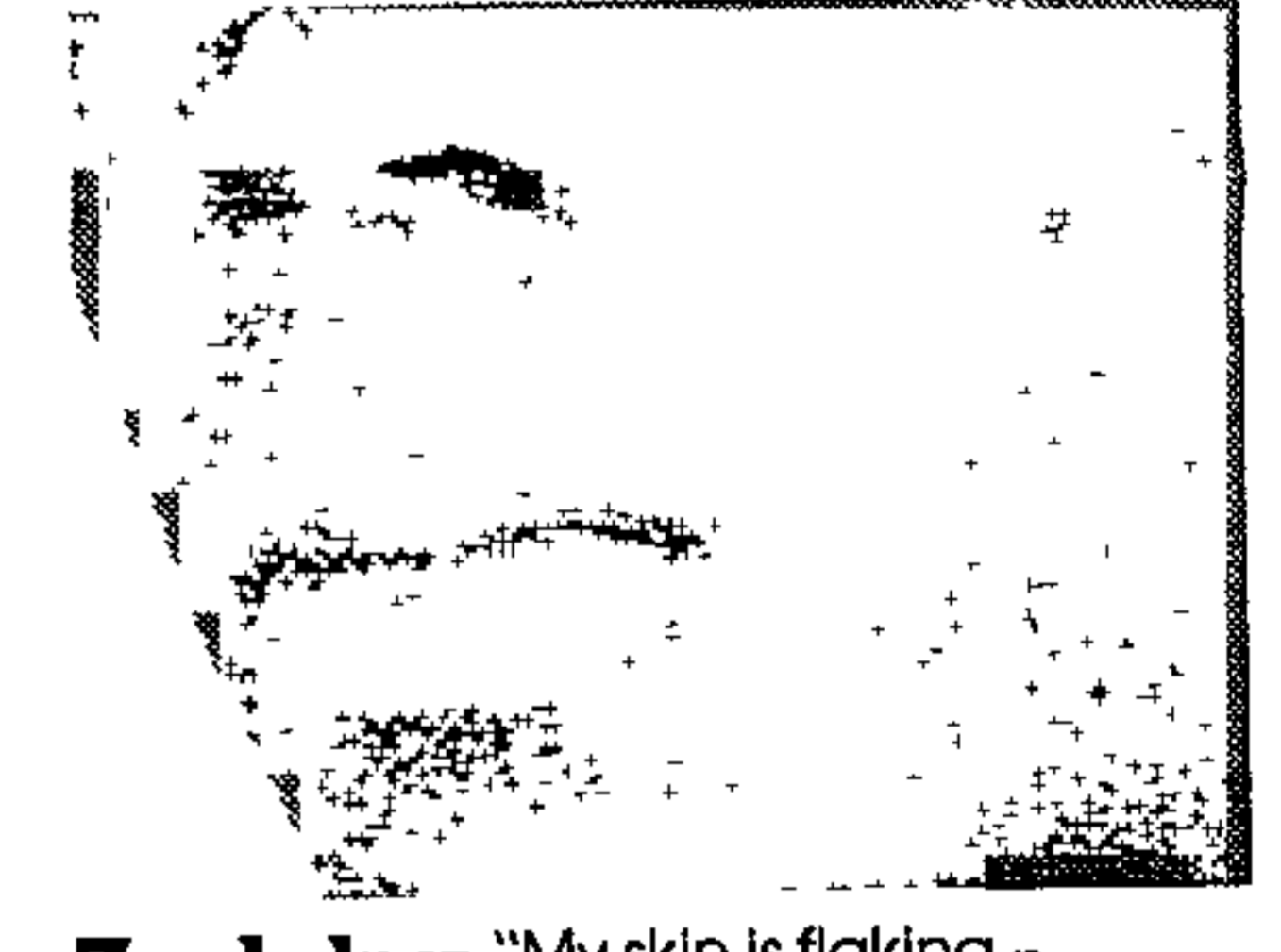
This test was carried out on Armandos Ramano under medical supervision in Johannesburg from December 3 to December 7, 1979.



1st day. "Let's see what Mytolac can do for me!..."



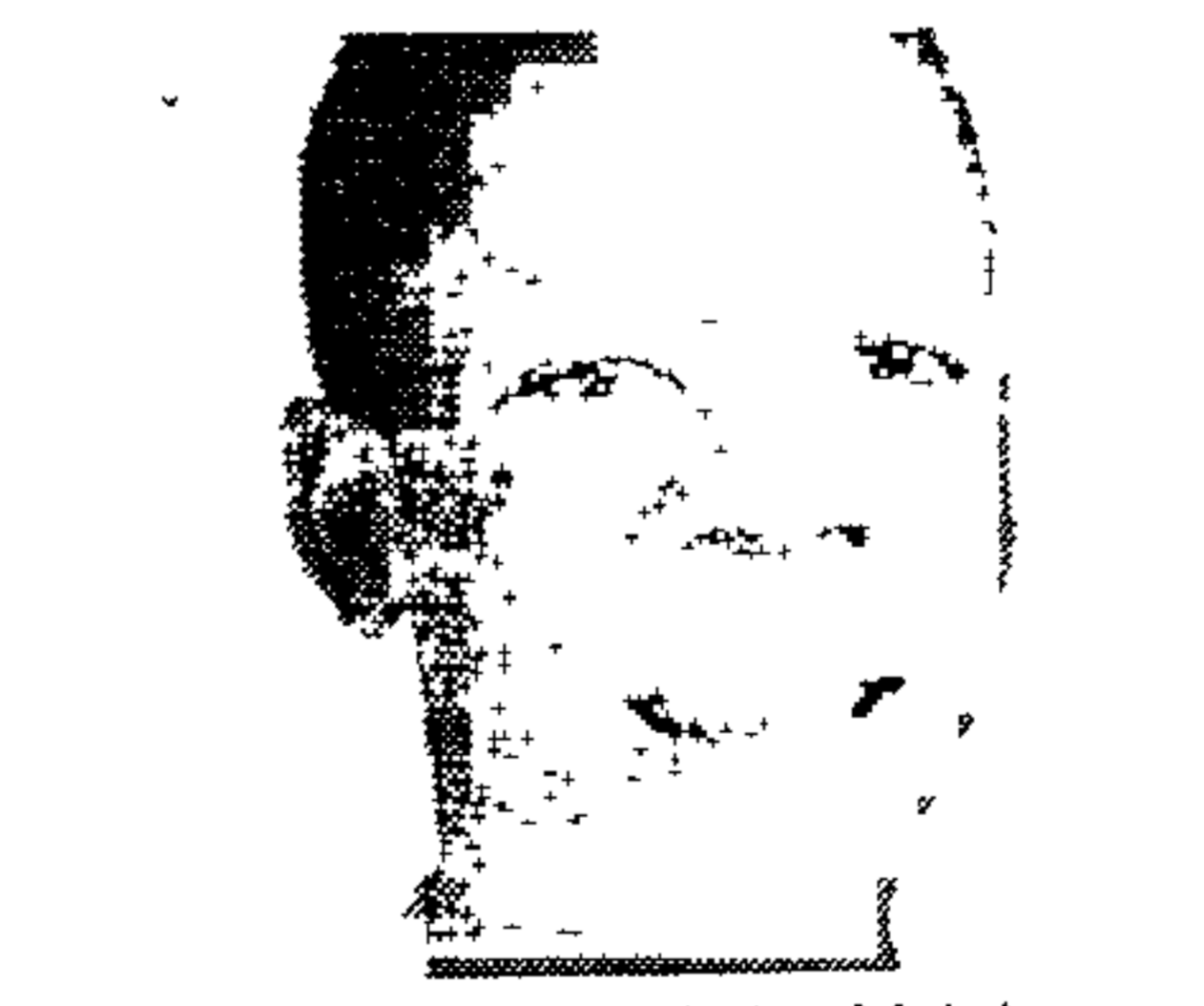
2nd day. "Good start. My pimples are already drying up."



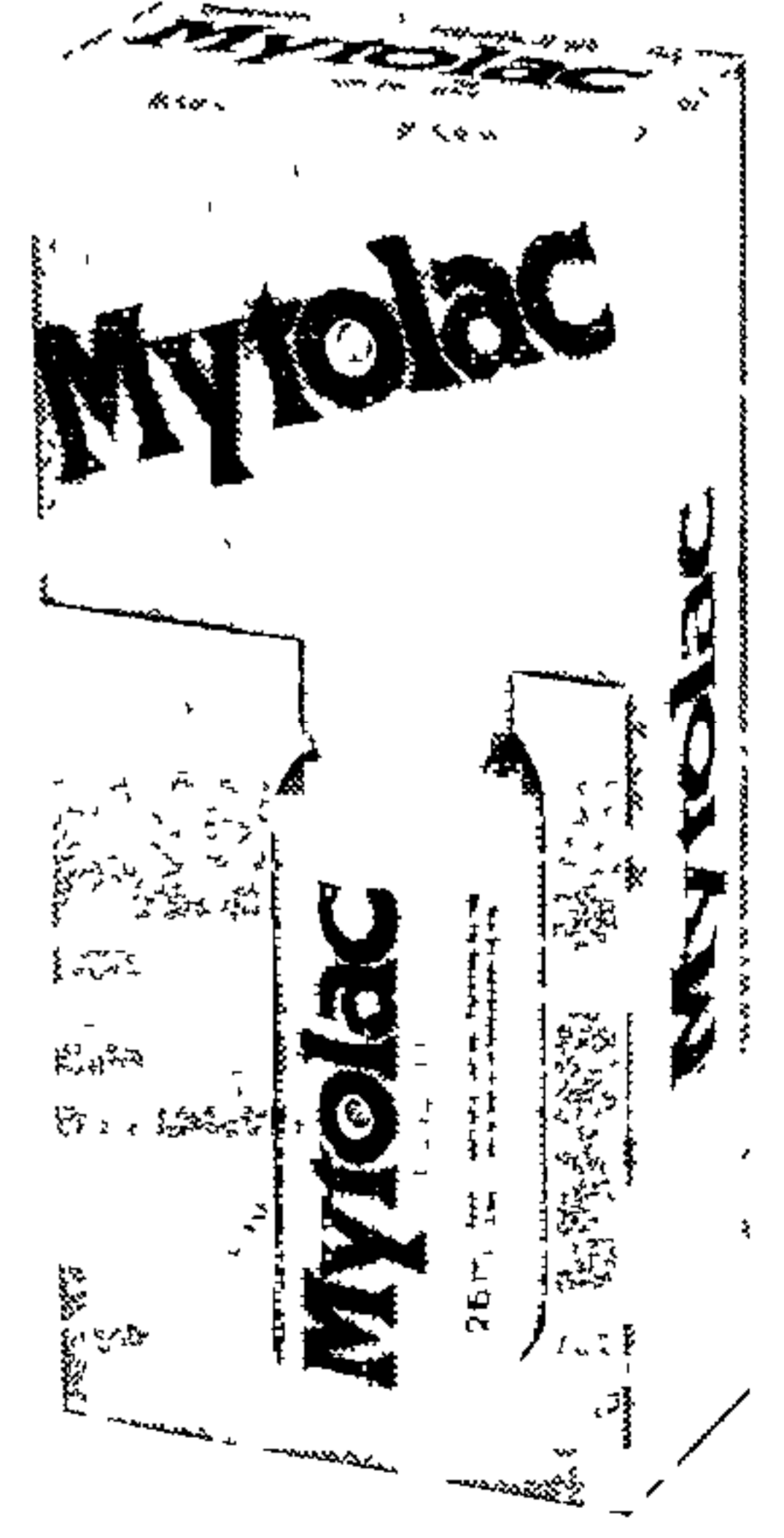
3rd day. "My skin is flaking - a good sign."



4th day. "My skin is looking better already. Mytolac is great!"



5th day. "Wow! 5-day Mytolac really worked for me."



If you suffer from pimples, use Mytolac. It'll make a difference to your skin in just 5 days. Mytolac has been specially made for problem skins and works in two ways. It fights the pimple bacteria in the skin, and then flakes away the old skin, so allowing the new and healthy skin to show through. Use Mytolac and in just 5 days you'll have a healthy skin.

## Mytolac pimple treatment. Works in just 5 days.

Authorised by Richardson Vids Inc to use mark MYTOLAC

Kenyon Wiles S996



AN Opposition MPC has claimed that women and children are being kept in filthy conditions without proper food in prisons and particularly after the recent mass arrests on pass law charges.

Mrs Molly Blackburn, Progressive Federal Party MPC for Walmer Port Elizabeth, described the conditions after she visited squatters in Nvanga and pass-law prisoners this week with Mrs Di Bishop PFP MPC for Gardens.

They had gone to secure the release from prison of a woman named Violet who had been rearrested when she returned to live in the bush after her earlier release on bail.

#### NO FOOD

'We heard that the women locked up with Violet on Friday were given no food that day, only water on Saturday and on Sunday and Monday they were given one slice of bread and some tea — no milk,' Mrs Blackburn said.

'There was no special food for the babies.

'Di had slipped out and brought back milk, porridge, sugar and biscuits which by some miracle we were able to take to the door of the passage where the women were standing.

'They appeared calm —

## Women, children held in 'filthy conditions'

what else in the face of such a hopeless state."

Mrs Blackburn said Violet, whose full name is being withheld, had emerged from the prison where 37 women and 23 babies and children were being held, with her six-month-old child.

#### STUNNED

'She was looking stunned, mainly because I don't think she had any idea what was happening. The baby was sweet, but in a state of indescribable filth.

'The husbands from outside had come quietly in for news of their wives, and when Violet came back they gathered round.

'The captain shouted "Get out. You are nothing but a nuisance to us. Why do you come and bother us with these parcels?"

'Out the men had to go into the freezing wind outside. Eventually, when they heard that their wives were going to be

transported to Pollsmoor prison, and that their cases had been remanded en masse in absentia until August 10, they left.

#### MEDICINE

'One still had his parcel of food and a bottle of medicine that he had hoped to give to his wife. He had been searching for her for a week with no success.

The two new MPCs visited people living on open ground at Nvanga.

'The police last week ripped out every tree, every bush, every vestige of shelter. The people — a couple of hundred — had made a tiny fire and were huddled together on the open ground.

'When they had the raid last week, it was in the early hours of the morning. Some of the men had already left for work.

'The police were absolutely ruthless and determined in their methods. Some of the children fled

into the nearby bushes and have not been seen or traced since.

'I spoke to quite a number of the mothers — some stories I can't talk about.'

'One mother told me that after two nights of sleeping on the cement floor she had had a miscarriage — she was four months pregnant.

'She did not know where her child of 21 months was. She had heard that some people in Guguletu had taken him but she had been in hospital as a result of the miscarriage and had been unable to contact them.'

Of her first visit to Cape Town, Mrs Blackburn said:

'So this is the Farrest Cape in all the land. I suppose it simply depends on one's definition of fair.'

Cape Town's police chief, Brigadier Daniel Nothnagel, today promised to investigate all Mrs Blackburn's allegations.

A MEETING of reconciliation with the victims of evictions and raids will be held in the city at lunch-time tomorrow.

The meeting will start at 1.10 in St George's Cathedral in Adderley Street. Women released from prison who are staying in the emergency camp near Nvanga will be

## Meeting on pass raid victims

among the speakers. The theme of the meeting will be 'All Capetonians Together'.

It will be non-religious and non-political. Speakers will include

Miss Madeline de Swart, a Cape Town advocate, Adam Small, Afrikaans poet, Bishop S Naidoo, Catholic Auxiliary Bishop of Cape Town, and a number of community workers.

The chairman of the Civil Rights League, Mr Brian Bishop, said the meeting was for people to meet the women who had been through the anguish of eviction and arrest.



A SENIOR research fellow at the Southern Africa Labour and Development Research Unit (Saldru) at UCT, Mr Charles Simkins, yesterday told the Langa Commissioner's Court that the accused in a pass law case had no option but to come to the city.

Mr Simkins was called as a defence witness for Mr Phillip Mzilikazi, 35, who faced two charges under the pass laws.

Mr Mzilikazi had pleaded not guilty to being in the Cape for more than 72 hours without permission and to not producing documents on demand.

He told the court he supported his wife and four children in Ciskei. They had no land.

#### CONTRACT

He came to the Cape as a contract worker in 1973.

After his contract expired, he worked 'illegally' as a bricklayer until 1978. He became ill and was sent to hospital in Queenstown. In 1979 he left the hospital and looked for work in Queenstown.

The labour bureau advised him to return in a month. After a month he went back to the labour

bureau and was again told to return in a month.

By this time he had no money to feed himself or his family so he came to Cape Town to look for work.

Until his arrest on July 16, he had been working for a construction company. He earned about R140 a month of which he sent R100 home to support his family.

Mr Simkins, described as an 'expert economist', gave evidence comparing employment opportunities, the infant mortality rate and incomes in the homelands and in the urban areas and land distribution in the homelands.

#### 1.6-M JOBS

He said the Tomlinson Commission of 1955 estimated that the homelands, by about 1980, would have to provide for 1.6 million jobs in secondary industry and services.

The reality was that there were about 280 000 jobs or 17 percent of what

the commission had envisaged.

The Tomlinson Commission had projected that 2.3-million people would be supported by agriculture and forestry.

A family of six would require between 6 to 8 ha of ploughing land and about 30 ha or more of grazing land to make a modest living from agriculture.

#### PRESSURE

Instead, population pressure had resulted in some families having half of the ploughing land required, some one quarter or less and some none at all.

Even if Mr Mzilikazi had been unemployed in Cape Town there was greater benefit in being unemployed in the city compared with the homelands.

This was because wages were higher when one found a job and there was greater access to social help programmes.

A greater proportion of men between 15 and 64 were employed in the

cities than in the homelands (85 percent in cities and 46 percent in homelands).

Mr Simkins said that 121 out of every 1 000 children died before the age of five in the homelands compared with 98 out of 1 000 in the urban areas.

In 1976 average income in subsistence agricultural areas was R300 a year whereas the average manufacturing wage was R1 700.

#### NO OPTION

Asked 'Did the accused have a realistic choice?' Mr Simkins replied 'No, once he had sought local employment and had been to the labour bureau and failed, he had no option but to come to the city.'

The prosecutor, Mr D Mngomeni, asked for the hearing to be postponed to enable the State to consult an expert.

Mr Mzilikazi was granted bail of R30 and the hearing was postponed to August 14.

Aug 29/7/81  
No option' but to  
206  
seek work in city

# Survival bags for the evicted

30/7/81  
A. J. M.  
206

## Education Reporter

ABOUT 100 of Langa's evicted women and children have been issued with 'survival bags' and a University of Cape Town lecturer will spend the next two weeks observing how effective these are as shelters.

And next year the university will launch a research programme into low cost methods of preventing hypothermia, or subnormal body temperature.

Dr Arnold Abramowitz, secretary of UCT's Appropriate Technology Group and the man who will carry out observations this month, said the plastic bags were 182 cm by 61 cm and cost less than R2.

## HEAT LOSS

Used on their own they prevent a certain amount of heat loss and keep the occupier dry. With a lining of rags, newspapers or blankets they prevent heat loss through conduction and radiation.

'We have checked with lawyers and the bags

would be construed as clothing, not shelter. The bags cannot be demolished. Now I need to find out how effective the bags are and whether they are being correctly used,' Dr Abramowitz said.

## SHOCK

'People have expressed shock that seeing our society has sunk so low we are still trying to accommodate it. But while we are asking for reform people have no shelter.'

'I am carrying this out on a technical level. If you start thinking about the implications you go crazy. Seeing people bedding down in the mud is horrifying,' Dr Abramowitz said.

Balaclavas have been issued with each of the bags, as there is a high heat loss from the head and it is Dr Abramowitz's 'waking nightmare' that someone in desperation will put her head into the bag to keep warm.

Next year's project will be directed in part at people living in uninsulated houses.



# More black housing 'simple answer'

*Argus 20/7/81*  
*(20)*

THE argument that 'illegal' blacks are putting a strain on facilities and job opportunities for those legally here might hold water if influx control were applied equally to all races, a black community leader said today.

He was reacting to a statement by the Chief Commissioner of Co-operation and Development, Mr Timo Bezuidenhoud,

that the aim of the recent action against 'illegals' was the establishment of an ordered community, which they threatened.

'No barriers should be put on anybody wanting to sell his labour to the highest bidder.

'The job of government is to supply the necessary infrastructure and social services,' the civic spokesman said.

'We are faced with a crisis. People will just not stop coming here because there is a shortage of houses

'The sooner the Government starts building houses, the better.

'The Administration Board, in its short-sighted eagerness to convert single into married quarters, never took into account the number of employees

whose employers were not in a position to build accommodation for them in Guguletu or Nyanga

'Their only concern was to put in families, so the single people had to get out. e are not talking only about contract workers but settled men who don't have their families here.'

Apr 30 / 78

296

# Evicted people sing to keep out cold

By Charles Riddle

THEY were singing when we arrived at 9 pm and they were still singing when I tried to go to sleep five hours later.

Camped on open ground next to Crossroads, the people evicted from Langa barracks, recently, sing to keep up their spirits, to praise God and to keep warm.

I, with a group of concerned Christians, spent a night in the open with these 'illegal migrants'. Illegal according to the law they may be, but what emerged from the 10 hours together is that they are also people.

Dignified, friendly people who welcomed us with two-handed handshakes, smiles and polite 'I will not keep you long' speeches.

Nowhere could I find any bitterness although everywhere I looked there seemed reason for it.

When our group arrived, a service conducted by a lone white priest with the aid of an interpreter was just finishing. We joined them. They sang in Xhosa, invited us to speak and sing in English, which we did. They immediately responded (although they knew little English) with a simple English hymn.

The people had erected a rudimentary shelter of plastic and wood. It was not nearly large enough for their needs, yet they made space for some of us to sleep.

Many of the men did not lie down. At first I wondered why. But after an hour of trying to sleep on the cold hard wet ground I began to understand some of their discomfort.

Dressed warmly with boots, two pairs of woollen socks, a track suit, jeans, a T-shirt, thick woollen

shirt, thick woollen jersey, leather jacket, woollen hat, a head-to-toe waterproof, rainsuit, groundsheet and blanket, I found the cold unbearable.

It is more comfortable to try sleeping standing up next to one of the fires that burn all night. Or simply to keep awake by singing, and sleep during the day when it is warmer.

Three images remain with me.

The sight of a circle of men and women shuffling slowly around a candle, singing and moving for hours to keep warm.

The uncomfortable sensation of being awakened from a fitful sleep by a child crying continuously.

And the grateful faces of the people when at 1 am today blankets were handed out.

● Survival bars for the evicted — Page 2.



**Crime Reporter**

BRIGADIER Daniel Nothnagel has rejected allegations by an Opposition MPC that women and children arrested in the recent pass raids were being kept without proper food and in filthy conditions at the Manenberg police station

He was responding to the impressions gained by Mrs Molly Blackburn, PFP MPC for Walmer when she visited the cells on Monday

Brigadier Nothnagel said the allegations that the people had not been given food, apart from water, for two days was untrue

**PORRIDGE**

'Soup, porridge and bread was available for them but they chose to take only bread as they were supplied with a vast amount of food by their relatives. In fact they had so much they refused food when it was offered from other quarters,' he said

In response to the allegation by Mrs Blackburn

Pass raid  
ANYW 30/7/81  
prisoners  
206 (340)  
well fed

- police

that no special food was provided for babies she said large tins of baby food were given to the mothers by the police

'A district surgeon was called to the police cells on Sunday evening when some of the mothers said their children were ill'

He said the police cells at Manenberg were normally kept spotlessly clean and regularly disinfected but the women prisoners had refused to clean their cells when instructed to do so and a certain amount of mess had accumulated

# Court rejects necessity plea

ST 31/7/81 206 240  
Staff Reporter

A MAGISTRATE yesterday rejected a defence plea in a pass law case that a woman had come to Cape Town out of "necessity" and "without intention to break the law"

Sitting at a special Commissioner's Court in Observatory, the magistrate, Mr A L Midgely, gave no reasons for his judgment, saying that this would waste time

He imposed a fine of R30 (or 30 days) suspended for 12 months, on the woman, Mrs Nobongile Lingani, who had been in custody at Pollsmoor Prison since arrest on July 16

Lingani was charged with entering the prescribed area of Cape Town without the necessary permission in terms of Section 10 (1) (4) of the Bantu Urban Areas Act

The advocate, Mr Philip van der Merwe, appearing for Lingani, argued that she had out of necessity decided to come to Cape Town in 1972 because she wished to avoid starvation

"A state of necessity in criminal law can be regarded as a factual situation wherein there exists an immediate threat to an interest worthy of protection," he said, quoting from the South African Law Reports of 1981

Opposing this, the prosecutor, Mr A. D van der Merwe, said that since Lingani could

afford to send three of her young children to school, she had not been faced with an emergency

Mr Van der Merwe submitted that Lingani had not known about the law in 1972 and therefore there had been no guilty intent on her part

"At this stage of our legal development it must be accepted that the cliché 'every person is presumed to know the law' has no grounds for its existence," he said, quoting from the South African Law Reports of 1977

Lingani said she had not known about the law and had never read the Black Urban Areas Consolidation Act

Five cases were heard yesterday at the court specially set up to cope with the numerous people arrested in the last three weeks

Two of the five were fined R30 and R20 while two received suspended sentences. A fifth case was dismissed

Eight people awaiting trial yesterday were granted bail of R30 each and their cases postponed until August 13. Many of them had been in custody since July 16

Mr Les Apsley of Buirski, Herbstein and Ipp, Inc and Mr Philip van der Merwe, instructed by Syfret, Godlonton-Fuller Moore, Inc, appeared for all the accused, including those granted bail



206  
31/7/81



With fists clenched in black power salutes, some of the men and women recently evicted from Langa's Zones barracks sing the anthem "Nkosi Sikelele i'Afrika" at the end of yesterday's meeting in St George's Cathedral. Standing at the microphone is Miss Mamphe Ramotsamai, a community worker of the Women's Movement for Peace.



Poet, author and philosopher Adam Small addresses yesterday's lunch-time meeting in St George's Cathedral.

# Clenched fists in cathedral

31/7/81  
206

Staff Reporter

THE government, not those who resorted to violent means to bring change, was the primary instigator of violence, poet and philosopher Adam Small said yesterday.

He was addressing about 200 people at a lunch-time meeting of reconciliation and solidarity with homeless families living in the open on a site near Crossroads.

The meeting, which was held in St George's Cathedral, ended with the singing of the anthem "Nkosi Sikelele i'Afrika" — sung with clenched fists and shouts of "Amandla ngawethu" (power is ours) by evicted men and women who also spoke.

Mr Small, who added his voice "to the protest and expressions of horror" at the eviction and arrest of people from Langa's Zones barracks, said politics without moral content was disgusting.

"The present government likes to refer to itself as Christian. If the government thinks it is Christian, it should understand the concept of blasphemy. Its treat-

ment of these people is blasphemous and shows no respect for God or Jesus," he said.

## 'Abhorrent'

Mr Small deplored the "abhorrent way in which these laws are being executed" and called on the government to "come to its senses".

"I hope for God's sake, and for your own sake, that you begin to act humanely and compassionately. But I feel cynical about the possibility of this government coming to its senses. After so many years of talking, one starts wondering — and it is not a pleasant wondering — whether violence is not the only way out," Mr Small said.

Men and women living at the site described the circumstances which had forced them to seek work in Cape Town. A man told the meeting: "We are looking for a place to stay and work. We are looking for our rights." He called on influential people in the audience to "raise your voices to the government".

The Roman Catholic Auxiliary Bishop of Cape Town, Bishop Stephen Naidoo, appealed to the government to "recognize that apartheid is bankrupt and destructive of human and family life". The bishop called on employers to ensure that their workers were properly housed and on the public to "get to know what it is like on the other side of the colour line".

A petition deploring the eviction of people in mid-winter and calling on the government to abolish pass laws was circulated. The petition, which was signed by most people in the meeting, objected to the "indiscriminate manner in which the recent arrests were carried out, resulting in children being separated from their parents and apprehension of people legally in the area".

It also expressed abhorrence at the influx control system, "which results in the destruction of family life and denies the dignity of man". When completed, the petition will be addressed to the Ministers of Co-operation and Development and of Justice.



Part of the crowd of about 200 people who attended a meeting of reconciliation and solidarity with the victims of evictions and pass law arrests in St George's Cathedral yesterday.



# Life among the evicted in 'the fairest Cape'

By MOLLY BLACKBURN, MPC

FOR ME the countdown had started. The session of the Cape Provincial Council was to start the next day and I had to spend the last day before entering the arena? Another look at the book of rules? Perhaps some research? It wasn't like that at all.

My friend and colleague Mrs Di Bishop, MPC for Gardens, was asked by the Athlone advice centre to help an old man who had mislaid his daughter and grandchildren in the Langa raid the week before. I was glad to accompany her and will record what happened as clearly as I can.

## Patience

His name is Wilson Skokana, about 80, and the closest living image of Jannie Smuts I have ever seen. Dignity of carriage, white *bokbaard* and an air of patience that seems to come with old age. His daughter, Violet, was arrested on Tuesday last week for living illegally in the Western Cape. She had gone to court on Thursday and had been released on bail of R30. She had returned to the squatter camp, for she had nowhere else to go, and was arrested again on Friday.

We went to the police captain at the prison where she was believed to be held. Yes, she was there. No, he would not release her, even though we had proof of bail. This was a matter for the magistrate. Back to the courtroom at Langa, where we watched as what can best be described as sausage-machine justice was recorded.

Each accused in turn pleaded guilty to being illegally in the Western Cape. All asked for a compassionate sentence because, if they were deported to their

"homeland", they would starve. This appeal was ignored and each accused we witnessed was sentenced to 60 days' imprisonment without the option of a fine.

"Where are your children? Where is your wife?" some were asked.

"I don't know, sir, the police took them away too."

During a short recess we were able to speak to the magistrate about Violet. The magistrate complained that the people were making things difficult by asking for their own lawyers to be present. He appreciated that their services were free, but felt it would be easier for the court if all accused would plead guilty and could all be sentenced in one go. He also complained that he had been so worried about all the work piling up he had found it difficult to sleep at the weekend.

I managed to restrain myself from pointing out that for other reasons, such as no bed, no shelter and pouring rain, there were several hundred other people who did not get much sleep then either, and still did not.

Eventually he produced Violet's "liberation paper". We went back to the police station, where the crowd of anxious husbands searching for their families had grown. Many of them had done several checks at different prisons. At Langa, Mrs Bishop and I had inadvertently come across a list of 40 women and 23 children being held at this particular station, and were able to give some reassurance to some of the men.

After two hours of what can best be described as delaying tactics on the part of the police, Violet, a young girl of

about 19, appeared with her baby about six months old. She looked stunned and bewildered. The baby was sweet, but in a state of indescribable filth.

I held the baby so she could go back for her bag and more documents, which took about another 30 minutes. The husbands from outside had come quietly in for news of their wives and when she came back they gathered around.

"Get out," shouted the captain. "If you have only come here for news of your wives, get out. You are nothing but a nuisance to us with your parcels of food. It's our business to feed these prisoners. Why do you come and bother us with these parcels?"

The men had to get out, into the freezing wind. Eventually they heard their wives had been remanded *in absentia* till August 10 and were to be transported to Pollsmoor. They left, one still with his parcel of food and a bottle of medicine he had hoped to give his wife. He had been searching for her for a week.

We discovered that the women locked up with Violet on Friday were given water but no food that day. On Saturday, Sunday and Monday they had one slice of bread and some tea without milk. There was no special food for the babies.

Mrs Bishop bought some milk, protein food, sugar and biscuits which we were able to take to the door of the passage where the women were standing.

We then went to see those still living on the open ground at Langa. The police last week ripped out every tree, every bush, every last vestige of shelter. The people had been raided in the early

hours of the morning. Some of the children fled into the nearby bushes and have not been seen or traced since.

The people, a couple of hundred, had made a tiny fire and were huddled together on the open ground. One mother who had been four months pregnant told me that, after two nights of sleeping on the cement floor, she miscarried. She did not know where her child of 21 months was. She had heard that some people in Guguletu had taken him, but she had been in hospital after the miscarriage and unable to contact them.

It was freezing cold. I had on a thick jersey and a well-lined raincoat and could not stop shivering. There were many children there and I saw babies as young as 10 days old.

Over and over the priest who conducted a short service while we were there said "The Lord will protect us" and "Through our suffering we will emerge triumphant."

So this is "the fairest Cape" in all the land. I suppose it simply depends on your definition of fair.





Agus 31/7/81

Cells ~~240~~ 206

THE Prisons Department has brought it to the attention of The Agus that the cells which were described as filthy by Mrs Molly Blackburn, PFP MPC, in a report on Wednesday were the police cells at Manenberg and not Prisons Department cells

©

A PETITION calling for the abolition of the pass laws, was launched at a meeting of reconciliation in St George's Cathedral with the homeless people near Nyanga yesterday.

About 2 000 petitions, each with space for 25 names, have been printed. They are available from the SRC desk at UCT and the Christ Church office, Richmond Road, Kenilworth. It will also be circulated tomorrow morning at some of the main shopping centres in Rondebosch, Claremont, Cape town and Wynberg.

It is hoped to present the petition to the Prime Minister, Mr P W Botha, and the Minister of Co-operation and Development, Dr Piet Koornhof, as soon after the start of parliament as possible.

#### EVICCTIONS

The petition objects to the recent evictions, arrests and intimidation of people in the Western Cape, and states 'We deplore the eviction of people without the provision of alternative shelter, this being particularly inhumane in the middle of winter.'

'We strongly object to the indiscriminate manner in which the recent arrests were carried out

# Call to

# abolish

# pass

# laws

resulting in children being separated from their parents and the apprehension of people legally entitled to be in the area.

'We abhor the influx control system which results in the destruction of family life and denies the dignity of man.'

'We would therefore entreat you to show compassion to these people by giving them shelter immediately, hearing their cases with justice in the courts and by making provision for relief agencies to act with maximum freedom.'

Evicted men and women told yesterday's meeting that they had come to the Cape to look for work.

'Work is not so scarce but our rights are scarce,' one of the evicted men told the meeting.

Handwritten notes: 'A.P.U.S.', '206', '31/7/81', and a signature.



# Koornhof warning

Own Correspondent  
THE Minister of Co-operation and Development, Dr Piet Koornhof, last night warned that last week's Appeal Court judgment did not mean there would be a large-scale influx of wives and children to urban areas.

The Appeal Court judgment declared ultra vires the regulation which requires anyone living in black residential areas to

hold a lodger's permit for site and residential permit.  
After the judgment, Mrs Sheena Duncan, director of the Black Sash advice office, said the judgment could "literally affect scores of thousands of people" and could benefit almost half the estimated 700 000 people living "illegally" in Soweto.

In a statement issued through his department, Dr

Koornhof said speculation about the decision made it necessary for him to "explain the manner in which the above mentioned provision of the Act is being applied".

The statement said a wife or child of a man who qualified to be in the area in terms of Section 10 (1) (a) or (b) of the Urban Areas Consolidation Act could remain with their husband or father in terms of sec-

tion 10 (1) (c) — which implies that they normally live with their husband or father and that adequate accommodation is available.

He had not yet seen a copy of the judgment, "but from what I have ascertained telephonically, it appears that the judgment turned on the question of whether the appellant's wife was, in fact, a per-

son as contemplated in section 10 (1) (c) of the Act."

"I wish to make it clear that it would be completely wrong to make general statements on influx control when the judgment rests on the facts pertaining to a particular person, which facts obviously cannot apply to all wives and children of men contemplated in section 10 (1) (a) or (b) of the Act."

Mrs Helen Suzman, Progressive Federal Party MP, said Dr Koornhof was obviously stalling for time and that his credibility was going to stand or fall on his ultimate reaction to the Appeal Court's decision.

"I think he's going to find that there are tens of thousands of Mrs Nonceba Komani's."

More reports on Page 2

# INFLUX OF WIVES