

THE PASS LAWS

NEW PROVISIONS OF THE LAW

Two Sections of the Bantu Laws Amendment Act, No. 7 of 1973, made amendments to the intricate laws and regulations, commonly known as the pass laws, that govern the movement, residence, and employment of Africans.

In terms of the Bantu (Abolition of Passes and Co-Ordination of Documents) Act of 1952, an employer of an African must register a service contract within three days, except that he does not need to do so if the contract is for a period of less than a month. This period of one month has been reduced to three days.

An amendment was made to the Bantu Labour Act, stipulating that principals who recruit Africans for employment through agents must themselves be licensed as labour agents, and will be responsible for any actions of the agents they employ to do the recruitment.

NOTES ON WOMEN IN URBAN AREAS

In the course of a speech made during September, the Deputy Minister of Bantu Administration said that, in certain circumstances, the Government would allow employers to house key African workers and their wives together "in accommodation which would not be as costly as a house". But the children would have to remain in the homelands. The wives would be free to visit them from time to time.¹

Early in 1973, the Department of Bantu Administration introduced a document that has to be signed by African women who are recruited in the Reserves as contract workers, to work in prescribed areas as domestic servants. These women are officially employed on a "single" basis. Their employers, too, must sign the document.

On the document, the employee or workseeker has to give details about her chief, her husband, and the number, names, and ages of her children. The document states, "I, . . ., the undersigned, hereby declare that the details furnished by me are correct and I fully understand that the service contract entered into will be cancelled forthwith if any of my children/dependants join me in the prescribed area or if I fail to utilize the pre-

¹ *Rand Daily Mail*, 20 September.

scribed accommodation". On the portion of the document that has to be signed by the employer it is stated: "I, . . . , the undersigned, being the employer of the Bantu female . . . , accept it as a specific condition of her employment that she will not be allowed to introduce any of her children/dependants into the prescribed area and that the service contract will be terminated if she:

- (a) introduces her children/dependants into the area; or
- (b) fails to reside in approved accommodation, whether it be on my own premises, hostel, or any other housing."

Interviewed by the Press, the Deputy Minister of Bantu Administration said that the provision did not mean that children could not visit their mothers under permit (visiting permits are, apparently, sometimes issued for periods up to one month), but the children must not live permanently with their mothers if the latter are contract workers. He said that it had been discovered in February that, of about 6 000 women registered as single domestic servants in the Randburg-Sandton area, between 4 000 and 5 000 were married, and many of these had their children living with them. Mothers who were recruited on a "single" basis would have to satisfy the authorities that their children were being properly cared for during their absence.²

AID CENTRES³

On 19 February, in reply to a question in the Assembly, the Deputy Minister of Bantu Administration gave information about the number of Africans who were arrested during 1972 and referred to each of the aid centres then functioning, and the number of such Africans who were *not* subsequently prosecuted. His figures were as follows:

	<i>Number arrested and referred to the aid centre</i>	<i>Of these, the number not subsequently prosecuted</i>
Benoni	404	—
Bloemfontein	7 463	975
Boksburg	5 851	346
Brakpan	1 632	1 288
Cape Town	16 391	1 821
Germiston	7 983	290
Johannesburg	41 099	12 216
Kimberley	996	174
Nigel	1 089	36
Pietermaritzburg	32	8
Pretoria	6 287	280
Randfontein	1 415	139
Welkom	2 425	294
	<hr/> 93 067	<hr/> 17 867

² *Star*, 18 September; *Rand Daily Mail*, 21 and 22 September.

³ For a description of these centres see 1972 *Survey*, page 162.

Further information was given by the Deputy Minister at the end of May.⁴ During 1972, he said, 9 539 Africans reported voluntarily to aid centres besides the 93 067 who were referred there. Of the total of 102 606, 39 984 were referred to courts of law, the remaining 62 622 cases being handled by the aid centres. Employment was found for 889 people, all in towns. Another seven aid centres were being established.

In a Press statement made during August,⁵ the Deputy Minister said that officials at the aid centres went to great lengths to assist Africans caught without their reference books. Employers were telephoned, municipal records consulted, and other steps taken to establish the bona fides of the person concerned. Unfortunately, reports from aid centres in some of the major centres indicated that there were Bantu who were abusing the system.

In a further statement,⁶ the Deputy Minister emphasized that Bantu Administration Boards were being asked to exercise influx control in a humane manner, with as little red tape as possible.

ADMINISTRATION OF THE PASS LAWS

During July,⁷ the Deputy Minister announced that he would welcome suggestions to make the pass laws less irksome and to reduce friction that they caused between black and white. His aim was to simplify these laws and to increase freedom of movement. He envisaged no drastic changes, however. If influx control were abolished, "an abundance of labour will stream into the urban areas and people will be able to bid for this labour at the lowest possible price. Influx control is necessary to prevent exploitation of black labour." For this reason, suggestions submitted should be positive ones, and not merely negative criticisms of the pass laws as such.

Numbers of memoranda were submitted to the Deputy Minister by organizations and individuals with experience of the working of the pass laws. Some others refrained from doing so, because they felt that in the light of their experience, their comments could only be negative, and that, in suggesting improvements to the system, they would be condoning it.

The Institute of Race Relations was among bodies that did make recommendations and suggestions. In a memorandum RR. 135/1973 it stated that it was appreciative of the Deputy Minister's understanding of the complex and overlapping nature of the relevant laws and regulations, the anomalies to which their administration gave rise, and the hardships they occa-

⁴ Hansard 16 cols, 933-4.

⁵ e.g. *Rand Daily Mail*, 21 August.

⁶ *Sunday Express*, 5 August.

⁷ *Rand Daily Mail*, 1 August.

sioned. The Institute emphasised, however, that while it confined its discussion to such changes as could be made within the existing framework of what were commonly known as the pass laws, this in no way implied acceptance, much less approval, of these laws.

BLACK SASH ADVICE OFFICES

In its Johannesburg Advice Office report for June and July, the Black Sash stated that it was preparing a memorandum to the Deputy Minister with some suggestions for making the lot of the urban African a little easier. But it had found a degree of difficulty in compiling such a memorandum. Members did not think that any alteration of the requirements to be fulfilled before permits were granted could make any difference to the fact that the democratic right of people of a certain skin colour to freedom of movement and residence within their own country was denied to them. "More courtesy and compassion shown to black people by officials . . . will, of course, be welcome", it was stated, "but the only way in which we can return to real western Christian, democratic principles of government is to remove all restrictions on the freedom of movement and residence for all our citizens and then to act with determination to solve the social problems which would inevitably arise in our cities."

In its annual report for October 1972 to September 1973 the Johannesburg Advice Office stated that during that year 4 505 people had come for advice and assistance, while many others telephoned or wrote for advice. The percentage of known successful cases was 21,04 but the actual figure was undoubtedly higher because many people did not come back to report that they had been given the permits they sought. This might be discovered later, for example when they brought others for help. The most heartrending of all the cases dealt with were those of husbands and wives who were *by law* forbidden to remain together. Similar comment was made by the Athlone Advice Office, Cape Town, in its annual report. Advice offices are now operating in Durban and Grahamstown, too, those in Cape Town and Grahamstown being run in co-operation with the Institute of Race Relations.

"FAMILY LIFE" PILGRIMAGE

Between 16 December 1972 and 14 January, six churchmen and two university lecturers made a pilgrimage on foot of about 950 km from Grahamstown to Cape Town, which they described as a confession of guilt and feeling of sorrow for having, as whites, been party to the migratory labour system and the break-up of African family life. As they went, they held services of prayer for the restoration of family life in South Africa. At

stages of their journey they were joined by prominent churchmen and others. The pilgrimage ended in a mass interdenominational and inter-racial service on Rondebosch Common, Cape Town, which was attended by an estimated 6 000 people. On this day the Witwatersrand Council of Churches arranged a token march in Johannesburg, and a widely-attended "service of concern".

The pilgrims drew up a six-point Charter for Family Life, and formulated suggestions as to how two fundamental principles might be implemented, these principles being:

- (a) the fact that the economy will always need large numbers of Africans to work in the already-established industrial areas; and
- (b) that such workers must be allowed, if they wish, to set up permanent homes with their families in those areas.

One of the pilgrims, Dr. Francis Wilson, wrote a book entitled *Migrant Labour in South Africa*, which was published by the S.A. Council of Churches and Spro-cas in 1972. Mention of Dr. Wilson's practical proposals for the gradual elimination of the migrant labour system is made in the chapter of this *Survey* dealing with employment.

TWO PROTESTS BY EMPLOYERS

Mr. Anthony Brink of Sandton had a neighbour employing a male domestic servant, who brought his two small children to stay with him. But his wife was registered in Krugersdorp. Mr. Brink nevertheless engaged her as a domestic servant so that the family could be together. After he had made three unsuccessful attempts to have the wife's position regularized, Mr. Brink was charged and convicted for employing her illegally, and was sentenced to R15 or 15 days. He elected to go to jail, in protest against the system. To his anger, however, the prison authorities released him after four days, stating that he had been granted a remission for good behaviour and that they were attaching R6, which he had left for safe-keeping, to pay the outstanding fine. In spite of this protest, the woman and her two children were sent back to Krugersdorp.^a

Mrs. Joan Munro of Edenvale pleaded guilty to employing a woman who was not authorized to work in that area. She had stated publicly that she would go to jail rather than pay an admission of guilt or any fine imposed, but in the event she was cautioned and discharged.

^a *Rand Daily Mail*, 7 and 12 February; *Star*, 14 February.