

# Johannesburg Advice Office Report for August and September 1971

The "Urban African" is a phrase which is currently being bandied about by political leaders, the press and the public. The use of this phrase perhaps conceals the reality of the millions of people it is used to represent. These people are all controlled by Section 10 of the Urban Areas Act: "No Bantu shall remain for more than 72 hours in a prescribed area unless he produces proof in the manner prescribed that . . ."

These people all live with the humiliation of being unable to decide upon the course of their own lives. The power to do this lies in hands other than their own. They must carry a reference book from the time they turn 16. They must ask for permits to seek work, to work in a particular job, to live with their husbands, permits for their children to live with them, permits to occupy a house or to lodge in someone else's house, to have a bed in a hostel, permits to visit friends or relatives in another area. They have no freedom to sell their labour on an open market. They cannot own real estate, leave it to their heirs or provide security of tenure for their dependents. If they are permitted to occupy a house they cannot choose the house they would rent or freely alter or improve it. They cannot choose to have electric light nor indoor sanitation nor running hot water. They cannot even decide who will be allowed to live in that house with them.

Their employers have immense power to affect their future security. Simple procedures, like asking for a late registration of birth certificate, become hurdles to be surmounted with trepidation and effort out of all proportion to the desired end. Finding somewhere to live can be a matter for despair. Getting children a place in school is a matter of pressing anxiety. Boarding a train to get to and from work is a struggle to be fought twice a day. The simple mechanics of life in an urban environment can occupy a man's whole energies — because he is black. He is prevented from winning for himself a place in the sun because of the colour of his skin.

This is, above all, the evil which is perpetrated on these people. It is offensive that men and women should have to shuffle in long queues from one counter at the labour office to another; that their houses should be raided by police in the small hours of the morning seeking a son whose name is not on the house permit; that they should have to go cap in hand to previous employers to ask for a letter proving the employment; that an insult must be swallowed because an official has power to say yes or no.

It is offensive that this man will not accept my word — because I am black; that I must find a piece of paper to prove that what I say

is true — because I am black; that I must find many documents to prove that that stamp in my book is a mistake — because the man who made the mistake is white and I am black.

Workers in the Advice Office have been made very aware of all this because everyday everyone who comes for help is asking only for an eminently reasonable thing, whether it be permission to live with their families or to be allowed to work in their employment. It is an incredible system which prevents them from doing so.

The Advice Office welcomes visitors who wish to come and learn for themselves the implications and ramifications of the pass laws, some facets of the problem.

The cases reported briefly below illustrate

## CASES:

During August two cases were brought to a successful conclusion and during September five men and four women were able to obtain permission to remain in Johannesburg after this had been initially refused and one young man was issued with his first reference book after some difficulty.

Mr. D. H. qualified in terms of Section 10(1)(d) of the Act to remain in the pres-

cribed area of Johannesburg. He was sentenced to one year in prison. He appealed against his conviction and after being in prison for three months his appeal was upheld. He was discharged. His 10(1)(b) qualification was cancelled and he was registered in new employment in terms of Section 10(1)(d). This threat to his future security was a mistake on the part of officialdom. If his conviction and sentence had been confirmed he *would* have lost his 10(1)(b) right but his conviction was overthrown and he was entitled to retain his 10(1)(b) right. The trouble and inconvenience of having this mistake rectified was all his and he had to visit various offices with various documents to have the 10(1)(d) stamp cancelled and his 10(1)(b) right reinstated.

Miss H. M. who qualifies to remain in Johannesburg in terms of Section 10(1)(b) of the Act was ordered to vacate her house and told verbally to "go to the homelands". Her father bought this house but had not completed the payments when he died in 1961. Her mother then became the registered tenant until her death in 1968. Miss M. has continued to pay the monthly instalments but because she is a single woman has not been allowed to remain in the house. However, the Advice Office was able to reassure her that there was no question of her being forced to leave Johannesburg and go to an unknown homeland. She can continue living in Johannesburg but will have to find lodgings in someone else's house.

Mrs. T. G. SONO was born in Pretoria and came to Johannesburg in 1949. She lived and worked in Johannesburg until 1969 when she became pregnant. She wanted to leave Johannesburg to have the baby in the care of her relations. A clerk in one of the municipal offices told her she could stay away for 18 months without jeopardising her position. She had a difficult confinement and the baby was born by Cesarean section. When she returned to Johannesburg more than 12 months after she had left she was endorsed out.

Miss L. M. was registered in her last employment in Johannesburg and left the job in 1969 when she became ill. Her employers left Johannesburg to live in Natal and did not sign her off nor send her discharge card back to the Municipal Labour Office. When she recovered her health and tried to register in new employment, registration was refused be-

cause she had not been properly discharged. When she tried to explain the circumstances she was "jokingly" told to go to Natal to find her employers and get signed off.

Mr. and Mrs. M. have four children, three daughters, all under 18 years of age and a 9 year old son. These children were born outside Johannesburg and were cared for by their grandmother until 1968 when their parents were able to establish a home for them as lodgers in Soweto. They brought the children to live with them and applied for permission for them to stay. Officialdom investigated the application for approximately two years then informed Mrs. M. that her children must leave the area within 14 days.

Mrs. D. E. M. is a citizen of Swaziland. She became engaged to marry Mr. H. G. M. at the beginning of 1971. He qualified to remain permanently in Johannesburg. She obtained permission from her government to leave Swaziland to marry Mr. H. G. M. and live with him in Johannesburg. They were married in Johannesburg on 5th July, 1971, by the Bantu Affairs Commissioner. She was then ordered to leave the Republic of South Africa for Swaziland on or before July 28th, 1971.

Mrs. J. E. T. is permitted to remain in Johannesburg in terms of Section 10(1)(c) of the Act. She is a business woman and bought a taxi but was refused registration as a taxi-owner by the Taxi Association concerned because she qualifies as 10(1)(c) and not as 10(1)(a) or 10(1)(b).

Mr. A. K. has worked for a small contracting firm for eight years but has never been registered by his employer. He and three fellow workers in the same position asked for more money and were promptly discharged. The employer concerned has refused to give him a letter testifying to this period of employment so he has an eight year gap in his record which cannot be covered.

Some of the saddest cases coming to the Advice Office for help are the people who are displaced in their own country. For various reasons they have lost their rights to remain in the prescribed areas where they were born and have established no right to be anywhere else.

Because of the rigid controls imposed on

every aspect of the lives of every African in South Africa a man or a woman who has no area in which he is permitted to register as a workseeker cannot earn a living because he cannot be legally employed. Nor is he allowed to live lawfully in a house or in a hostel anywhere at all. Many women who find themselves in this position have children who are also displaced people because their rights are largely dependant on their mother's position.

These people are displaced in every sense of the word. Many of those coming to the office have accepted that they will not be permitted to remain in any prescribed area in the Republic and therefore ask to be resettled in their homeland so that they may register as workseekers in a homeland area and try to establish some kind of home for their families even if it means that they must become migrant workers on yearly contract. They are finding that obtaining resettlement in accordance with government policy can be as difficult as obtaining permission to remain in a prescribed area.

Those people who have relatives in a homeland are in a stronger position because they go to an area which is already known to them and where the chief knows the family and will accept the new arrival as belonging to this area. But those people who are urban people and have no ties whatsoever with a homeland which they have never seen and where they are unknown, experience great difficulty. They spend many months going from one office to another in one area after another living in permanent danger of unrest and able to earn nothing. Many of them find it very difficult to get anybody to take any responsibility for them and are in a position where they are entirely unable to take any responsibility for their own futures. They are told in one office that they cannot be helped here and to go to another office in another area. When they get there they are told to go somewhere else. Many of them may not start off applying for resettlement in the correct office but no one ever seems to tell them where they should lodge the application.

There are many attendant difficulties for people in this dreadful position. The most urgent problem is the impossibility of finding legal employment. No African can be registered in employment even as a contract worker unless he has somewhere where he

may register as a workseeker. If he is not registered no application can be made for him by an employer. People in this position work casually from day to day for different employers and have to accept such payment as is offered to them: If they find an employer who is willing to employ them permanently unregistered they may well end up in the same position as a man who came to the Advice Office to complain that he had worked unregistered for a small contractor for eight years but had never had a rise or leave pay and was not being paid as much as the registered labourers.

Then there is the question of finding somewhere to live. It is an offence for the registered tenant of a house in an urban township to have anyone living in that house who is not enumerated on the permit. People are willing to take this risk for close relatives but are reluctant to do so for anybody else. The displaced people survive by moving from house to house, all the time. If a wife and children are involved this becomes an ordeal repeated almost daily.

## **Welfare**

Elderly and disabled displaced people cannot get pension payments or welfare help from the official welfare departments because they are not living lawfully anywhere. A displaced mother finds she cannot get birth certificates for her children because her reference book is not in order. Unemployment insurance payments will not be paid out to men who have no area to which they lawfully belong.

These displaced men who are given special permission to work in a specified area find that this temporarily solves their immediate problem of earning such to keep themselves and allowing them to occupy a bed in a hostel or as a lodger while they are so employed but if they leave the employment or wish to establish a home for a family this is no permanent solution and they find themselves going through the whole process again.

The cases reported below illustrate a variety of the difficulties involved for displaced people seeking some security and stability for the future.

Mrs. N. is a widow with 5 children. She had rights to remain in Johannesburg under Section 10(1)(a) of the Act but she married

a man who worked in the government service. They were transferred to a town in the Eastern Transvaal and all went well until her husband died. She remained in the Eastern Transvaal for a couple of years after his death and then returned to Johannesburg. She was refused permission to remain in Johannesburg or to return to the Eastern Transvaal town. She had nowhere to live legally. She applied for resettlement in the homeland of her ethnic group and was told her homeland was "full". She then approached the Advice Office. A letter was written on her behalf to the Territorial Authority and she has now been notified that a house will be available for her at the end of November.

Mr. M. J. H. was born in Belfast in 1948. He came to Johannesburg after both his parents died in 1959. He attended school in Johannesburg and lived here with his married sister. He was ordered to leave the prescribed area of Johannesburg in September, 1971. He returned to Belfast and tried to register there as a workseeker. Permission was refused for him to remain in Belfast. He is now hoping that his employer in Johannesburg will be allowed to make a special application for him to remain as a contract worker without any further necessity for him to travel backwards and forwards.

Mr. M. M. has been trying to obtain resettlement for over a year. He was born in Kimberley and has worked there and in Vryheid, where he took his reference book, and in Johannesburg. He has acquired no rights to remain anywhere and lost his right to remain in Kimberley by working outside that prescribed area. He was arrested in May, 1970, for being illegally in Johannesburg. He was taken under police escort to Vryheid. There the uBantu Affairs refused to allow him to remain and had him escorted back to Johannesburg immediately. In Johannesburg he appeared in Court and nobody seems to have known what to do with him. Kimberley refused to allow him to go back there. In November, 1970, he applied to the Bantu Affairs Commissioner for resettlement in his homeland. In that same month he was again arrested and sent to Vryheid. He was again refused permission to remain there. He went to the Rustenburg area and a Chief told him verbally he was willing to allow him to settle there provided he was legally transferred there. He explained this to the Bantu Affairs Commission-

er in Johannesburg. He was given a temporary permit to remain in Johannesburg while his case was investigated. In September, 1971, he was told nothing could be done for him. He has no means of livelihood and no apparent future security. He has now been to Hammanskraal and has been told verbally that he will be allowed to settle there if Vryheid will release him officially. This is necessary because Vryheid is shown in his reference book as his tax district.

Mr. D. M. P. has been working in Johannesburg lawfully since 1944. He is now 52 years of age and is asking for resettlement in his homeland where he wishes to start a business of his own. He approached the Chief in the area where his relatives live and asked to be admitted. He was told that he must first pay a sum of R60 for back payments of levies. The Bantu Affairs Commissioner concerned has confirmed that every married man is liable for a R1,00 tribal levy tax every year. The Bantu Affairs Commissioner has offered his assistance in sorting out this dispute.

Mr. D. P. M. born in Johannesburg in 1949 in a backyard and lived with his mother at her places of employment until 1956. He then disappeared and can remember nothing of what happened to him until he was found in Alexandra in 1967. He has a medical certificate testifying that he suffers from epilepsy. He was ordered to leave Johannesburg in June, 1970. There is nowhere at all in the Republic where he belongs. His mother and stepfather live in Soweto but he is not allowed to live with them. He cannot be registered in a job he was offered at Isando because he has nowhere to register as a workseeker and no place to which an application can be made for him.

Mr. S. B. K. was born in Johannesburg in 1950. His mother took him to Lichtenburg when he was three years old and he remained there until 1969 when he returned to Johannesburg. He remained in Johannesburg for two years until he was ordered to leave in April, 1971. He had established no right to remain in Lichtenburg and has no right to remain in Johannesburg. He does not know where he will be permitted to remain.

Mr. D. M. was born in Johannesburg and lived in the area until 1960 when he went to school in Brits. He remained at school there

until 1968 and unfortunately did not return to Johannesburg immediately on leaving school. He stayed in Brits illegally for another two years. He took his first reference book in Brits while he was at school.

He came back to Johannesburg in 1970 and was endorsed out. He went to Brits to try to register there as a workseeker. Registration was refused because they said he was only at school there. He then applied to the Bantu Affairs Commissioner in Johannesburg for resettlement. This was in June 1971. He was offered work as a farm labourer or a mine-worker. These offers he refused because he does not want to spend the rest of his life as a contract labourer either on a farm or on a mine. His education and ability would enable him to work in a more remunerative type of job. He has not yet been assisted in any other way to be registered as a workseeker somewhere. He is homeless in the land of his birth.

Mrs. M. Q. was born in Johannesburg in 1941. She lived in Johannesburg with her parents until 1963 leaving only to attend school in Zululand. During her schooling she returned to her parents for all her holidays and after she finished school in 1960 she lived permanently with them.

In 1963 she married a man in Johannes-

burg who took her to live with him in Zululand. She stayed with him there until 1968 when the Bantu Commissioner advised her to return to her parents in Johannesburg because her husband was drinking heavily and was not supporting her and their three children.

She did come back to her parents. Her husband died in 1969. She was ordered to leave Johannesburg in 1971. Her appeal to the Bantu Commissioner to be allowed to remain was refused. She cannot go to her husband's parents in Zululand because they are old-aged pensioners and cannot support her, and do not want the responsibility. She is not allowed to remain with her own parents in the place of her birth. She has nowhere.

Mr. S. B. M. is another displaced person who has applied for resettlement. His case is at present being investigated by the Bantu Affairs Commissioner in Evaton where he was born where he has no right to remain because he worked on contract in another area. His immediate problem is that he is destitute. His employment insurance payments were up to date when his contract in Johannesburg ended but payment was refused here because he was not lawfully here after his employment was terminated and he was also refused payment in Evaton because he does not belong there anymore. There is no other office to which he can apply.

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