University of Oran Es-Senia
Faculty of Letters, Languages and Art
Department of Anglo-Saxon Languages
Section of English

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The Indian Community in South Africa: The Development of Political Movements up to 1946

Presented by:

- *Ms. Rima MOKEDDEM*

Members of the Jury:

- *Prof. Badra LAHOUEL: President*
- *Dr. Belkacem BELMEKKI: Supervisor*
- *Dr. Leila MOULFI: Examiner*

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DEDICATION :

To those I love most:

My lovely parents;

My fiance Fethi;

My brothers:

Mustafa

Chaimaa

Nour El Islem

Our little angel Mohammed Anas, my nephew

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List of Abbreviations used :

C.B.	Colonial Born
C.B.I.C.	Cape British Indian Council
C.T.A.	Cape Town Agreement
N.I.C.	Natal Indian Congress
N.I.V.A.	Natal Indian Vigilance Association
S.A.I.C.	South African Indian Congress
S.A.I.F.	South African Indian Federation
S.I.A.	Settlers Indian Association
T.B.I.A.	Transvaal British Indian Association
T.I.C.	Transvaal Indian Congress
T.I.C.A.	Transvaal Indian Commercial Association
U.N.	United Nations
V.O.C.	Dutch East India Company

INTRODUCTION :

The origin of South African Indians can be traced back to the seventeenth century, when European navigators reached South Africa. The country was inhabited by the indigenous people (the San and the Khoikhoi). Once Jan Van Riebeek established his settlement at the Cape in 1652, there was a shortage of labour which led to the decision to bring Indians to do hard work. They were treated as slaves and they could not be free until the abolition of slavery in 1807.

Knowing the capabilities of Indian workers, the British in Natal thought of bringing them again to work in sugar plantations. After many negotiations, a triangular pact between the governments of Natal, India and Great Britain introduced what is known as the "Indentured System". In this context, Dr. Mabel Palmer stated:

> "*The coming of the Indians to Natal was no spontaneous uncontrolled movement of adventurous individuals seeking a better livelihood than their home country gave them. It was part of an elaborate system organized and controlled by the governments of Great Britain and India.*"[1]

The late 1870's witnessed the arrival of a new class of Indians called "free passengers". They were mainly Muslim traders who came to South Africa at their own expense. In 1911, the total number of Indians in South Africa was 149.791, of which 133.000 were located in Natal.[2]

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[1] B. Pachai, *The International Aspects of the South African Indian Question, 1860-1971*, C. Strulk Publisher, Cape Town, 1971, p. 1.
[2] Surendra Bhana and Joy B. Brain, *Setting Down Roots, Indian Migrants in South Africa, 1860-1911*, Witwatersrand University Press, Johannesburg, 1990, p. 39.

In fact, not all Indians remained in Natal, they moved to other parts such as the Transvaal and Cape Town. Their spread disturbed the Union Government which started to pass discriminatory legislation. Indians had been deprived of many social and political rights and it was only the coming of Mahatma Gandhi that raised national consciousness among the Indian community in South Africa. Indians started to fight against discrimination. They set political organizations and asked for full rights to the Indians as South African citizens. However, their situation was getting worse; the government of South Africa continued to be racist towards Indians, and the latter continued to fight the anti-Indianism.

Indians were convinced that the Union Government would never grant them justice and equality and that only external pressure could force the government to change its oppressive policy.

In fact, the Second World War was beneficial for them. Indians then used the post World War era to internationalize their issue by raising it on the UN. They gained the support of the outside; however, it was, as Smuts described it, “a hollow victory”, as the government of South Africa introduced another discriminatory law which was one of the causes that led to the Indian Passive Resistance of 1946.

In order to deal with the Indian issue in South Africa, there are some questions that should be raised: How and why did Indians come to South Africa? How was their situation? Did they have any impact on the country? What were the obstacles and the problems they faced? Did their situation change or stay the same after a few decades of residing in South Africa? To answer these questions, I have divided my dissertation into three chapters, each one deals with what I perceive to be important issues centring on the development of Indian political movements in South Africa up to 1946. The first chapter deals with the beginnings of Indians in South Africa, and here I will discuss the Indian slaves in South Africa during the Seventeenth century. Then the coming of Indians as indentured labourers, under which circumstances they were living and working. I will also spotlight the coming of the so-called passenger Indians, their spread in South Africa and the establishment of the Indian community. After that I will move to talk about the discrimination put on Indians by the

Union Government in its attempt to reduce the Indian population which was increasing. I will also deal with Gandhi's arrival in South Africa and his fight against discrimination, mentioning the most remarkable event during his stay (Passive Resistance 1913). The chapter will conclude by highlighting the South African Indians' contribution in the First World War and their important role on the side of the British, hoping that this would improve their situation.

The second chapter deals with the emergence of Indians as a political power to protest against discrimination. In the 1920's, for the first time, a serious organization was formed to represent and defend the rights of the whole community, South African Indian Congress. I will also discuss the Indian struggle against unfair acts such as Malan's Bill of 1925 and the Cape Town Agreement which followed that bill to calm down the Indians' anger. I will then talk about the development of the various events in Natal and the Transvaal. I will end the chapter by the period 1932-1936, in which I will attempt to show the role of the Indian agent generals in South Africa as well as their political affiliations and their different personal views which caused problems among the Indian community there.

The third chapter covers the period that preceded the Second World War, in which the radicals emerged as the vehicle that controlled the path of the Indian movements. In this chapter, I will discuss the Indian reaction to the war and how the Indian struggle transformed into an international and human rights issue. I will also spotlight the South African racist policy as it introduced the Asiatic Land Tenure and Representation Bill in 1946; and I will discuss the important factors that led to the beginnings of the passive resistance of 1946.

CHAPTER ONE:

The Beginnings of Indians in South Africa and Discrimination:

It is commonly known in the history of South Africa that the Indians settled in that country in the very old ages dating back to the era of King Solomon. A hundred years later, when Jan Van Riebeek set up a Dutch settlement at the Cape of Good Hope in 1652, Indians were brought as slaves to do hard work there. They were living in very bad conditions which led most of them to escape or die. They tried several times to rebel against their masters; however, they failed. Later, with the abolition of slavery in 1807, owners' works collapsed because there was no one left to do those hard works.

When the British annexed Natal in 1843, there was a shortage of labour in sugar plantation where the native Zulus refused to work in. Seeking for a solution to salvage the British interests, plans of bringing again Indians were introduced, but this time as semi-slaves. The British government stated in 1843 that there shall not be in the eyes of the law any distinction of colour, origin, language or creed.[1] This made the Indian government accept the idea of sending Indians to work in South Africa, Laws 13 and 14 of 1859 were passed to describe the conditions of the Indian residents in South Africa under labour contracts. The first Indian "coolies" [2] arrived in Durban on 16 November 1860 to work for five-year contracts. After

[1] L. E. Neame, *History of Apartheid: The Story of the Colour War in South Africa*, London House and Maxwell, New York, 1963, p. 20.

[2] The word ''coolies '' was used by the white South Africans to refer to the Indian labourers in South Africa.

finishing their service, they could either go back to their homeland or become free workers in South Africa; however, most of them remained there, spread over the country and integrated in the South African society. From 1860 to 1911 (when the indentured Indian labour was abolished), a very large Indian population was living in South Africa despite the harsh conditions they were suffering.

The Indian wealthy merchants saw in South Africa an advantageous way to invest their money. In 1869, a number of traders known as passenger Indians went to South Africa and took their families with them. They settled there and succeeded in making business; they became the main competitor of the whites who started standing up by introducing discriminatory laws such as Law 3 of 1885 and other laws.

Indians in South Africa suffered for a long time from discrimination until the coming of M. K. Gandhi in 1893, the father of Satyagraha[1] who gathered Indians from different religions, languages and cultures and taught them how to fight racism and discrimination and how to obtain their rights in non violent ways. They have all together attempted to forge a collective political ethnic identity as Indians stating that "all of us are Indians, and are fighting for India. Those who do not realize this are not servants but enemies of the motherland."[2] Moreover, they proved their loyalty to Britain since they considered themselves British subjects; and we will see in this chapter the Indians' significant role on the side of the British in the Boer War and the First World War.

[1] Satyagraha is an Indian word that defines the policy of nonviolent resistance adopted by Mahatma Gandhi.

[2] M. K. Gandhi, "Collected Works/Volume 9/To Satyagrahis and Other Indians (13th October 1908)" http://ltrc.iiit.ac.in/gwiki/index.php/Collected_Works/Volume_9/To_Satyagrahis_And_Other_Indians_%2817th_October_1908%29

I. Indian Slaves:

It is a pity that scholars did not provide us with many references related to the Indians who were living in South Africa during the era of King Solomon. All what we can read is that they left behind them traces that indicate their existence in the country at that time.

> *"There are Indian plants in Rhodesia that may have been planted there by Indians about the time King Solomon, every three years, sent his ships (and those commissioned from Hiram of Tyre) to fetch African gold and silver, ivory, apes, and peacocks… It may be that, even in those days, there were Indian planters and traders to provide for the needs of prospectors and diggers and hunters in Africa. There are some who say that Indians, and not Arabs or Phoenicians or Africans, built those stone walls and temples whose ruins remain one of the mysteries of Rhodesia; and who knows but that ancient Indians walked about the land a Portuguese navigator two thousand years later sighted on a Christmas Day and called Natal."* [1]

Later, when the Dutch settled in South Africa, they faced the problem of shortage of labour, it was very expensive to bring European workers to work on the wheat and wine farms, and it was impossible to force the natives (the Khoi people) to work. Therefore, the Dutch East India Company (V.O.C) started slave trade in the Indian sub-continent, Indonesia, Africa and other areas.

In 1652, when Jan Van Riebeeck organized a Dutch settlement at the Cape of Good Hope, Indians were brought in to work; they were sold as slaves although they had never been slaves before. The missionary Reverend William Wright stated in 1830's: "Some are natives of Bengal and other parts of India who came to the colony as free servants, and were bartered or given away to the colonists."[2]

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[1] S. J. Millin, *The people of South Africa*, Knopf, New York, 1954, p. 239

[2] E. S. Reddy, "Indian Slaves in South Africa. A little-known aspect of Indian-South African relations" http://www.scribd.com/doc/15740545/Indian-Slaves-in-South-Africa-A-Littleknown-Aspect-of-IndianSouth-African-Relations-1990

In fact, most of slaves were children. Warren Hastings, the British Governor-General of India, said:

> *'The practice of stealing children from their parents and selling them for slaves, has long prevailed in this country, and has greatly increased since the establishment of the English Government in it… Numbers of children are conveyed out of the country on the Dutch and especially by the French vessels…'* [1]

A conservation calculation based strictly on records showed over 16.300 Indian slaves have been brought to the Cape. In the decades 1690 to 1725, more than 80% of the slaves were Indians.[2]

In addition to the bad situation of the Indians, there were many cases of rape by the Dutch settlers due to the scarcity of women; however, some settlers freed Indian women and married them and integrated them into the Dutch community: Angela and her three children were freed in 1666. She integrated easily into the white community. In 1669, she married Arnoldus Willemsz.[3]

The Indian slaves had a great impact on the economic development in South Africa, but in spite of their important role, they were treated very harshly by their masters; that is why, many slaves escaped and lived as fugitives; however, most of them were caught and forced to do hard works in chains:

[1] Ibid.
[2] "The Indians in South Africa prior to indentured labour and 'passenger Indian' migration post 1860" http://cape-slavery-heritage.iblog.co.za/2010/02/17/the-indians-in-south-africa-prior-to-indentured-labour-and-passenger-indian-migration-post-1860/.
[3] Rasta Livewire, "Indian Slaves in South Africa, Indian African History" http://www.africaresource.com/rasta/sesostris-the-great-the-egyptian-hercules/indian-slaves-in-south-africa-a-retrospect/.

> *"In 1706, a Dutch political prisoner, Jacob Van Der Heiden, was confined in a dungeon in Cape Town with Ari, an Indian slave charged with serious offences. He found that Ari had been kidnapped as a child while playing with other children on the Surat beach. He had been treated so harshly that he had run away. He joined other fugitive slaves and lived on stolen food until he was caught. He escaped torture and persecution because of the intercession of the Dutch man."* [1]

Even for the masters, it was not an easy task to cope with the slaves. A traveller, Otto Mentzel, wrote:

> *"It is not easy matter to keep the slaves under proper order and control. The condition of slavery has soured their tempers – Most slaves are a sulky, savage and disagreeable crowed… it would be dangerous to give them the slightest latitude, a tight hold must always be kept on the reins; the task masters' lash is the main stimulus for getting any work of them…"* [2]

There were some rules and laws to protect slaves. Slaves' owners would be punished if they treated their slaves badly, but the laws were often ignored.

Another wave of Indian migrants emerged in the 1700's, they were recorded as 'Free Blacks' because they came to the Cape on their own free will. They married freed slaves and became part of the Indian communities in South Africa.

The impact of the Indian slaves was not only on the economic field, but also in social and religious sides. The slaves brought with them new languages and customs and even new religions like Hinduism and Islam.

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[1] E.S Reddy, op. cit.
[2] Slavery in South Africa. South African History Online.
http://www.sahistory.org.za/topic/slavery-south-africa

There were several movements and rebellions against slavery and oppression organized by the slaves in the Cape Colony. The most remarkable was on October 27, 1808, when the slaves were influenced by the stories of slave uprisings coming from America, Ireland and the Caribbean. Louis Mauritius, two Irishmen James Hooper and Michael Kelly, Jeptha of Batavia, Abraham and adomis, an Indian slave and two Khoi men planned a resistance against slavery, starting to gather slaves from the rural districts to the Cape Town. They hoped to seize the Amsterdam Battery, turn the guns on the castle and then negotiate a peace deal which would involve establishing a free state and freedom for all slaves.[1] However, their plan had failed as over 300 merchants were captured, some of them were put on trial mainly the leaders of the resistance, and most of the others were given back to their masters.

Towards the end of the 18th century, the V.O.C. declared that no people who belonged to the Christian faith could be sold as slaves. Owners became very reluctant to let their slaves convert to Christianity. [2]

After two centuries of flourishing, the trade of the V.O.C. started to decline with the spread of the ideas of slave trade abolition. In 1807, the British Parliament declared slave trade illegal throughout the British Empire; however, the application of the Bill in the Cape Colony was delayed for four months. In December1833, slaves in the Cape were set free under a law allowing a period of four years' apprenticeship for domestic slaves and six years for plantation slaves. After finishing their apprenticeship period, slaves became totally free from their owners. As a result of the emancipation of slavery, slaves' lives improved, whereas owners' lives became worse because there was no one left to do the work, and this was one of reasons for the Great Trek.[3]

[1] "Slave rebellion at the Cape led by Louis of Mauritius", South African History Online. http://www.sahistory.org.za/dated-event/slave-rebellion-cape-led-louis-mauritius-over-300-slaves-and-khoi-khoi-servants-outlying

[2] "The slaves in South Africa's Cape Colony" http://www.south-africa-tours-and-travel.com/slaves-in-south-africa.html

[3] The Great Trek is the emigration of some 12,000 to 14,000 Boers from Cape Colony in South Africa between 1835 and the early 1840's, in rebellion against the policies of the British government and in search of fresh pasturelands.

II. Indian Indentured Labourers:

The arrival of Indian Labourers in South Africa began in the year 1860, when the Europeans realised that they could achieve fame and power from the wealth of the African countries and the African lands; however, land at that time was neglected by the native Africans because they thought that cultivation was the work of women.

On the other side, the success that the Indians achieved in cultivation in Great Britain made the British think of importing them to South Africa to fulfil the shortage of labour force there.

After many negotiations between the Natal government and the Indian government, the latter accepted to send her subjects to work in Natal with the condition that the Indians were to be well treated and would have all their civil rights there. The Natal legislation accepted those conditions and passed Law 13 of 1859. This law stated that only licensed persons could bring immigrants to the colony and take care for them, and that a fine of £ 50 could be imposed on the master of any ship that abused or ill treated any immigrant. [1]

Then Law 14 of 1859 was passed, it consisted of 43 clauses. This law made it possible for the colony to introduce immigration of Indians as indentured labourers, with the option to return to India at the end of the five year period of their work contract in which case a free passage would be provided. This law also provided for the indentured Indian labourers to prolong their work contract for a further five year period that would make them eligible to settle permanently in the colony. Added to that, these labourers were also entitled to a gift of crown land and full citizenship. The schedules had to be signed by the employer, employee, the Immigration Agent and the Resident Magistrate.[2]

[1] Timelines, South African History Online.
http://www.sahistory.org.za/timelines

[2] B. Belmekki, "Africa and the West: The Indians' Experience in South Africa in the Nineteenth Century", Edition Dar El Gharb, Oran, 2007, p. 77.

Having eventually succeeded in convincing the Indian government to transport indentured labourers to the colony of Natal, the first group of indentured Indians departed from Madras and arrived in Durban on board The Truro in 16 November 1860. There were 342 persons, including 75 women and 83 children. Although Hindus were in the majority, there were also Christians and Muslims.[1] Ten days later, a second group of 351 indentured Indians from Calcutta followed on board the Belvedere to work on sugar plantations, including 61 women and 83 children. [2]

During the 51 years of indenture, a total of 152.184 indentured migrants arrived in Natal; of these 10.468 embarked from Madras and 50.716 from Calcutta. Of the total, 104.641 were men and boys and 48.022 women and girls, a ratio of 46.100, and of the 152.184, a total of 42.415 returned to India, though recorded figures were not always accurate.[3]

The voyages' conditions from India to South Africa were not comfortable; long distances on ships full of danger and disease was not easy at all."...tickets were picked and according to the dictates of chance, friends, relatives and members of the same family were parted and assigned to new masters." [4]

According to a 1985 report of Dr Frene Ginwala, a speaker of South Africa's parliament, two third of these emigrants were Tamil and Telugu speaking Hindus from the then Madras Presidency, a predominance that has persisted in subsequent years, as well as from Mysore and surrounding areas. If the vast majority of the indentured labourers were Hindus, less than 12 % were Muslims, while some 2 % were Christians.[5]

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[1] E. Pahad, The Development of Indian Political Movements in South Africa, 1924-1946, D. Phil Thesis, University of Sussex, July 1972, http://www.sahistory.org.za/pages/sources/pahad_thesis/menu.htm.
[2] Ibid.
[3] C. Bates, *Community, Empire and Migration: South Asians in Diaspora*, Macmillan, Basingstoke, England, 2000, p. 125.
[4] E. Pahad, op. cit.
[5] South African History Online
http://www.sahistory.org.za/timelines

Most of the Indians were illiterate. Adjustment was not an easy task for them. They were always trying to keep their traditions, languages and even religious customs and it was so hard for them to adapt to their new life in South Africa.

> *"It is most painful and disheartening to us Indians after inviting us into this colony and thus treated as slaves instead of free-born subjects and we are afraid that if this law interferes in any way with our religious matter it may cause some disturbance."* [1]

In fact, the existence of indentured Indians in South Africa had a great positive impact especially on the economy of the province of Natal, as it was stated in an article from *The Natal Mercury* in 1865:

> *"Coolie immigration … is more essential to our prosperity than ever. It is the vitalizing principle. It may be tested by the results … Had it not been for coolie labour, we should not hear of the coffee plantations springing up on all lands and of the prosperity of older ones being sustained through the agency of East Indian men."* [2]

The same article pointed out that the employment of Indian labour had increased the export of sugar from £26.000 in 1863 to £100.000 in 1864.[3] In that sense, the Protector of Indian Immigrants in 1901 wrote that the employers realised the indispensability of Indian labour and that if Indian labour was withdrawn the country would at once be simply paralysed. [4] Sir Liege Hulett, ex-Prime Minister of Natal Colony and a sugar baron, said in 1903 that "Durban was absolutely built by the Indian people."[5]

The Indian labourers were not employed only in sugar plantations but also in other activities. Tea growing, which according to the Clayton Report of 1909 employed 1.722 indentured Indians. The same Report recorded that wattle planting near Greytown employed

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[1] C. Bates, op. cit., p. 126.

[2] R. A. Huttenback, *The British Imperial Experience*, Harper & Row Publishers, London, 1966, p. 129.
[3] Ibid
[4] E. Pahad, op. cit.
[5] Ibid.

606 indentured Indians. Market gardening (production of fruit and vegetables), hawking, and fishing and other domestic works.[1]

The important role of the Indian labourers in the economy of Natal was not just in the field of agriculture but also in the industrial field, especially in the period 1910 - 1920. According to Palmer:

> *"the position of the Indian changed from that of a serf who had to be kept to his work by force, was liable to prosecution if he deserted, and was occasionally subject to assault from his employer, to that of an ordinary wage labour … this was, of course, a very great change for the better, even though the labourer's position was still, not withstanding all the ameliorations, one of very great poverty."* [2]

Although the conditions of living were so hard, and although they were not very well paid, most of the Indians preferred to remain in South Africa after the expiry of their contract. They had to choose either to give them a free passage to return to their homeland (India), or to grant them a piece of land equivalent in value with the passage coasts. For women, after the expiry of their indentures, the only options, according to Beall, were "repatriation, marriage, or some other form of dependence on a male partner or relative." [3]

By 1909, the ex-indentured labourers were employed in the following sectors: General farming 6.149; sugar estates 7.006; Coal mines 3.239; tea estates 1.722; domestic 1.949; corporation 1.062; brick yards; 740; railways 2.371; wattle plantations 606; landing and shipping agents 422 and miscellaneous 313. Total number of workers 25.572; total number of employers 2.249. [4]

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[1] B. Parekh and G. Singh and S. Vertovec, *Culture and Economy in the Indian Diaspora*, Routledge, London, 2003, p.35.
[2] E. Pahad, op. cit.
[3] B. Parekh and G. Singh and S. Vertovec, op. cit., p. 36.
[4] E. Pahad, op. cit.

III. Passenger Indians:

In 1869, there was a new wave of Indian immigration from the West Coast of India mainly Gujarat known as "passenger" or "free" Indians. They were called free because they came at their own expense. They were also called "Arabs" to distinguish them from the indentured and ex-indentured Indians because the passenger Indians were Gujarati Muslims in majority whereas the indentured labourers were Tamil Hindus. [1]

Passenger Indians were attracted by the opportunities of investment that the Natal government offered to the ex-indentured Indians who finished their contract period and remained in South Africa. They brought with them their families and established Indian communities in the towns of Natal. The Indian traders started trading in Durban first, then they moved to the Transvaal and the Cape but it was forbidden for them moving to the Orange Free State. The language of trade was Fanagalo, a mixture of English, Zulu and Indian languages. [2]

The traders' businesses depended mainly on partnerships, such as Aboobaker Amod & Co (c. 1875), Ismail Mamojee & Co (1884), Tayob Abdoola (1884), Ismael Amod & Co (1889), Dada Abdoola & Co (1879), MA and G.A. Bassa (1892), M Ebrahim Amod & Co (1893), Hoosen Cassim & Co (1893), and B. Ebrahim Ismail & Co (1900). [3]

Traders rarely employed Indians from an indentured background. Superintendent R C. Alexander, for example, told the Wragg Commission in June 1885 that "the proprietors or managers of Arab stores are assisted mostly by their relatives… The Arabs employ very few Indians in town, only about 10% in all, and they are free men and are employed only as labourers." [4]

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[1] V. Goolam, "Passengers, Partnershipd, and Promissory Notes: Gujarati Traders in Colonial Natal, 1870-1920, The International Journal of African Historical Studies, September 2005, Vol. 38, No.3."
[2] Ibid.
[3] Ibid.
[4] Ibid.

The success of the passenger Indians was mainly due to their strategy of trading. They sold basic necessities in small quantities. They traded even in the areas where there was a European trade, offering their services not just for the Indian labourers but also for Africans and poor whites.

The passenger Indians dominated Indian trade in South africa. The Wragg Commission of 1885 reported that "Arabs were rapidly replacing ex-indentured Indians in retail trade." In 1911, Uday Shanker, a passenger Indian, said: "In this country, Muslims have a firm hold on business. They have gone everywhere except the Free State. Many of them have established big warehouses. They conduct who lesale business in a large scale with many countries. Even retailers are doing flourishing business. On the other hand, Hindus are mostly involved in fanning. They sell fruit and vegetables." [2]

In 1874 there were over 30.000 free Indians in Natal. By 1911 the total number of Indians, free and indentured, was over 133.000. By 1936 there were 183.661 Indians in Natal, the Indian rate of growth being sustained by a birth-rate of 37 per 1.000 as against 20 per 1.000 Europeans. [3] In 1936, 47 per cent of Indians were under 15 years of age and only 13 per cent over 45 years. Professor H.R Burrows comments that "On the lines of present tendencies it looks as though Natal should plan to build more houses and schools for the youthful Indian population and more hospitals and houses for the ageing Europeans section."[4]

In fact, there was a divided African public opinion about the Indians' presence in South Africa: some were sympathetic with the Indian traders as shown by an editorial in the African newspaper *Ilanga Lase Natal* in 1920:

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[1] Ibid.
[2] Ibid.
[3] Ibid.
[4] R. Burrows, *Indian Life and Labour in Natal: A Survey Conducted,* South African Institute of Race Relations, Natal, 1952, p. 40.

> *"From a native standpoint the Indian is desirable in the country… The Indian is often able to show good understanding with his Native customer… Most of these [Indians] begin life from the lowest rung of the ladder and by patience and painstaking reach the higher stages in the agricultural and commercial spheres… Our experience of the Indian as a man is that he is comparatively, moral as few cases of immorality have occurred in regard to Natives, and they are far from being criminal or litigious."* [1]

On the other side, some Africans saw that the miserable and the poor life that they were living was due to the Indian existence in South Africa. In Inanda, for instance, African chiefs complained in 1881 that land was too expensive because the country was "full of coolies." [2]

Although the reasons were different, the Europeans shared with some Africans the sentiment of irritation for the Indian presence in South Africa because they started feeling that the Indian traders were a potential threat that could destroy the European trade in South Africa. The Indians were described as a menace, influx and invasion.

Therefore, Indians in South Africa were welcome as indentured labourers but never as free workers or traders. In this context, the Wragg Commission reported in 1887 that

> *"The general European opinion in Natal was that Indians should remain in the colony as indentured labourers only; if this could not be done, some Europeans demanded, African labour should replace that of the Indian… even if this meant a form of forced labour. Those Europeans who did not reduce to a tower level than it was at that time."* [3]

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[1] V. Goolam, op. cit.
[2] Ibid
[3] B. Pachai, op. cit., p. 130.

The Commission added that

> *"We are convinced that much of the irritation existing in the minds of European colonists against the whole Indian population of the colony has been excited by the undoubted ability of these Arab traders to compete with European merchants"* [1]

On the other side, The Natal Witness attempted to tarnish the important role of the Indians in South Africa saying that

> *"He (the Indian) and his family cannot be introduced for the same reason as mules might be… the object for which he brought is to supply labour and that alone… (some) may think that the coolie is a desirable member of our society such as the people of Natal ought to introduce as colonists, but almost even other person entertains a different opinion and would greatly prefer that not a coolie should come amongst us to contaminate society and hinder moral progress, were it not that this labour is needed."* [2]

Some other opinions illustrated their refusal of the Indians because of the latter's way of living. The *Johansburg Star*, for example, stated that besides the question of his loathsome habits, the coolie is not an immigrant to be encouraged. He lowers the standard of comfort and closes the avenues of prosperity to the European trader.[3]

In addition to the economic reasons of the European hatred for the Indians, we can also see other reasons, like those stated in the following report:

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[1] Ibid.
[2] C. Bates, op. cit., p. 130.
[3] R. A. Huttenback, op. cit., p. 140.

> *"It is possible that the root of anti-Indian sentiment in South Africa is economic. There were other reasons too. White South Africans had developed a feeling of racial superiority, which, so far as the Indians are concerned, was re-enforced by the fact that, as the indentured workers were dawn from the lower castes in India, they were originally illiterate and unaccustomed to Western standards of hygiene. Later, the fear arose that Indians would in time outnumber the Whites because their birth-rate is higher. This is largely a misconception…Another important reason was that the religious, dress and food-habits of the Indian were alien and South Africans do like uniformity…"* [1]

For all these reasons, the attitude of the South African Republic government started to change. Laws were passed trying to hamper the Indian presence and spread in South Africa.

[1] B. Pachai, op.cit., p. 20.

IV. Discrimination and Indian Protest:

The first discriminatory law, Law 3 of 1885, was passed by the Volksraad, [1] the law was to be applied to the "Coolies, Arabs, Malays, and Mohammedan subjects of the Turkish Empire." According to the provisions of that law, the people mentioned were prevented from acquiring their rights as citizens in the South African Republic, including the right of property, the right of settling in the Republic for commercial reasons, and those who were living there for trade must pay a fee of £25 to inscribe in a register. The law included also that "the Government is the only power that has the right to choose the locations for those people to live in…" [2]

The Law was unwelcome by both the Indians and the British government. The Indians considered it as unfair to them and sent their protests to the British High Commissioner. The British government interpreted the law as a contravention of Article 14 of 1884 and saw that it was her duty to protect the rights of the Indians as British subjects. Negotiations were made between the British government and the Republican government which succeeded to convince the British to adopt that law for sanitary reasons. They made an amendment to Law 3 of 1885 in 1887 saying that the law should apply only to the labourers and not traders.

However, despite all the jealousy and racist attitudes, the Indian traders continued their commerce since the law was not applied strictly and as Gandhi pointed out: "(By) carrying on negotiations in one place, by having recourse to law courts in another and by exerting what little influence they possessed in a third." [3]

[1] The Volksraad was the legislative assembly of the Boer republics in South Africa during the latter half of the 19th century. [Afrikaans volk people + raad council]
[2] "Anti-Indian Legislation 1800s-1959", South African History Online.
http://www.sahistory.org.za/politics-and-society/anti-indian-legislation-1800s-1959
[3] E. Pahad, op. cit.

The maltreatment of the Indians by the British government showed its results during the Boer War (1899-1902). The Indians' opinion was divided between an opposition to the British; those who saw that the Indians should not contribute in the destruction of a small nation, and they were afraid of the vengeance of the Boers in case they would win the war, so they preferred to be neutral, neither with the British nor with the Boers.

Other Indians chose to enter the war on the side of the British because they considered themselves as British subjects. Gandhi, for instance, despite his opposed attitude to the racial British policy towards the Indians, but he emphasized supporting the British as a kind of allegiance to the state. He also argued that their support would prove the invalidity of the opinion which stated that "the Indians went to South Africa only for money-grubbing and were merely a dead-weight upon the British. Like worms which settle inside wood and eat it up hollow, the Indians were in South Africa to fatten themselves upon them." [1]

In fact, Gandhi's sympathies were with the Boers; he said that they are "a small nation… fighting for its very existence"; however, he pointed out: "I felt that, if I demanded rights as a British citizen, it was also my duty, as such, to participate in the defence of the British Empire." carrying on that "the British oppress up equally with the Boers, if we are not subjected to hardships in the Transvaal, we are not very much better off in Natal or the cape colony. The difference, if any, is only one of degree…" [2]

Since there was an agreement between the British and the Boers that only Whites should be in military operations, Indians were allowed to act only in non-combatant roles. One of the most important participations was Gandhi's Ambulance Corps that was grudgingly accepted by the British. It was organised by Gandhi of about 1.100 volunteer Indians (free and labourers) to help the British wounded and dying during the war; however, it served for only

[1] B. Pachai, op. cit., p. 21.
[2] Ibid.

two months, whereas the Indian Army auxiliaries were far greater in number and served throughout the war.

Despite the important role of the Indians in the Anglo-Boer war, their exploits were often neglected. The only memorial for the Indians (from Natal and India) is a monument built in Johannesburg by the Indian community to appreciate the Indians' efforts.

V. Gandhi in South Africa:

Mohandas Karamchand Gandhi was born on October 2, 1869 in Porbander, India. He belonged to a very religious Hindu family that believes in non-violence as a principle of Ahimsa.[1] His grandfather was the Diwan of the State too, so his family was famous in the political sphere. His mother, Pranami Vaishnava, was a religious woman, she taught him about the Hindu doctrine of Ahimsa, the refusal to do harm and the duty to do good.

Gandhi's brother was also a lawyer; he received a letter from a large Indian firm in Probander asking him to convince Gandhi to go to South Africa to assist in a case in the courts there.

> *"We have business in South Africa. Ours is a big firm, and we have a big case there in the court, our claim being 40000. It has been going on for a long time. We have engaged the services of the best vakils and barristers. If you sent your brother there, he would be useful to us and also to himself better than ourselves. And he would have the advantage of seeing a new part of the world and of making new acquaintances."* [2]

[1] Ahimsa is a Buddhist and Hindu doctrine expressing belief in the sacredness of all living creatures and urging the avoidance of harm and violence.
[2] M. Gandhi, *All Men are Brothers: Life and Thoughts of Mahatma Gandhi as Told in his own Words,* UNESCO, Paris, 1958, p. 14.

In April 1893, Gandhi travelled to "try his luck in South Africa, he found more than luck; he found himself, his philosophy, and his following." [1]

After about one week of his arrival, Gandhi started his story with discrimination. He was travelling from Durban to Pretoria by train. He bought a first class ticket but this was forbidden for the coloured people. When reaching Maritzburg, he was asked to change his place. "Come along, you must go to the van compartment." [2] Gandhi refused and said that he had a first class ticket, but they didn't accept and he was pushed out the train with his luggage by the police constable, and he spent the night in a cold waiting room with no light.

Gandhi took another train and carried on his way to Pretoria. After finishing that case, he would have two choices: either go back to India or fight for the rights of Indians in South Africa, but he chose to stay and challenge discrimination.

In 1894, when the Natal Legislative Assembly decided to deprive Indians of their political rights, by introducing the Franchise Act, Gandhi incited the Indians that they should resist that bill. He unified them and organized a committee that would gather the Indians from all classes (passenger, indentured, ex-indentured), he collected 10.000 signatures and presented them to Lord Ripon, Colonial Secretary, hoping that the bill would be cancelled; however, in 1896, the bill became law.

Awareness emerged among the Indian community and Indians started to defend their usurped rights enthusiastically as described by Gandhi:

[1] R.S. Feuerlicht, "The Progress Report, Gandhi's Life, Part Two, Biography of M. K. Gandhi." http://www.progress.org/gandhi/ghandhi02.htm.
[2] M. Gandhi, op. cit., p. 15.

> *"Meetings were held every day and more and more persons attended them. The requisite funds were oversubscribed. Many volunteers helped in preparing copies, securing signatures and similar work without say remuneration… The descendants of the ex-indentured Indians joined the movement with alacrity. They knew English and wrote a fine hand. They did copying and other work ungrudgingly day and night."* [1]

In May 1894, the committee became the Natal Indian Congress (N.I.C.), the first political organization founded by Gandhi to protest against discriminatory legislation. The members of the congress were mainly from the trading class because they had to pay £3 for annual subscription. According to Gandhi, in less than a month, about three hundred Hindus, Moslems, Parsees and Christians became members.[2]

The first object of the Congress was "to promote concord and harmony among the Indians and Europeans residing in the colony". Second, it was to inform people in India of what was happening in Natal, by writing to newspapers and delivering lectures. Third, Gandhi urged all "colonial-born Indians" to study Indian history and literature. After that publicity, consciousness-raising objectives, the new congress would "inquire" into the conditions of all Indians and take steps to remove their hardships. Finally, Gandhi's list called for helping 'the poor and helpless' to improve their moral, social and political conditions.[3]

To transmit the voice of the Indians in South Africa to the Europeans living there and to the world outside as well, Gandhi established a weekly newspaper *Indian Opinion* in 1903. It was one of the tools to fight discrimination. The newspaper was published in four languages: Gujarati, Hindu, Tamil and English; however, in 1905 it was limited for English and Gujarati due to the lack of support from the Hindu and Tamil. It highlighted the harsh conditions under which the Indians were living in South Africa.

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[1] E. Pahad, op. cit.
[2] Ibid.
[3] S. Wolpert, *Gandhi's Passion: The Life and Legacy of Mahatma Gandhi*, Oxford University Press, New York, 2001, p. 40.

Indian Opinion began by adopting a very moderate tone. The editor proclaimed: "We have unfailing faith in British justice." It was "by well sustained continuous and temperate constitutional effort that Indians would seek redress." [1]

In 1904, Gandhi moved with his newspaper into another location, Phoenix (24 kms from Durban). *Indian Opinion* played a very significant role in Gandhi's struggle against discrimination. In his book *Satyagraha in South Africa*, Gandhi said that *Indian Opinion* was certainly a most useful and potent weapon in our struggle. [2]

In *My Experiments with Truth*, Gandhi stated:

> *"Week after week I proud out my soul in its columns and expounded the principles and practice of Satyagraha as I understood it. I cannot recall a word in these articles set down without thought or deliberation or a word of conscious exaggeration or anything merely to please. Indeed, the journal became for me a training in self-restraint and for friends a medium through which to keep in touch with my thoughts."* [3]

Another aim of the newspaper was to unify the Indians who were in Diaspora under one community as was written in the newspaper: "We are not and ought not to be… Tamils or Calcutta men, Mohammedans or Hindus, Brahmins or Banyas, but simply and solely British Indians." [4]

The weekly newspaper was very important and valuable for Gandhi so that he claimed: "Satyagraha would probably have been impossible without *Indian Opinion*."[5]

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[1] "History of the "Indian Opinion" newspaper." South African History Online. http://www.sahistory.org.za/media-and-journalism/history-indian-opinion-newspaper.
[2] M. K. Gandhi, "The Collected Works of Mahatma Gandhi, Satyagraha in South Africa."
[3] M. K. Gandhi, *Gandhi's Autobiography: The Story of my Experiments with Truth*, Public Affairs Press, Washington, 1948, p. 150.
[4] History of the "Indian Opinion" newspaper, op. cit.
[5] M. Gandhi, op. cit., p. 348.

When the Zulu Rebellion broke out, Gandhi was ready to support and help the British, although he "bore no grudge against the Zulus, who had harmed no Indian" but his attitude was justified to be a kind of loyalty to the crown as long as they were British subjects. Gandhi formed an Indian Ambulance Corps of 1.100 men (about 300 free Indians and the rest indentured); however, the Corps sometimes performed humanitarian services by aiding the wounded Zulus, and that was one of the reasons that gave popularity and loveliness among the native Zulus.

Prabhudas Gandhi, a grandnephew of Mahatma Gandhi, wrote:

> *"Phoenix was in a Zulu area. Seeing the Indian residents supporting the Whites against them, the Zulus could have attacked the settlement and completely destroyed it. But it was Gandhiji's greatness that even when he helped the Whites he never lost the friendship of the Zulus who became friends of the Phoenix settlement for ever."* [1]

Gandhi saw no difference between combat soldiers and members of an ambulance corps since both of them participate in the war. He wrote in 1928:

> *"I draw no distinction between those who wield the weapons of destruction and those who do Red Cross work. Both participate in war and advance its cause. Both are guilty of the crime of war."* [2]

And as Reverend Joseph J. Doke wrote:

> *"Mr Gandhi speaks with great reserve of this experience. What he saw he will never divulge. I imagine it was not always creditable to British humanity. As a man of peace, hating the very thought of war, it was almost intolerable for him to be so closely in touch with this expedition. At time he doubted whether his position was right."* [3]

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[1] P. Gandhi, *My Childhood with Gandhiji*, Navajivan Publishing House, Ahmedabad, 1957, p. 42.
[2] E. S. Reddy, "Gandhi and Africans in South Africa", SARP Seminar.
[3] J. J. Doke, *M.K. Gandhi : an Indian Patriot in South Africa,* London Indian Chronicle, London, 1909, p. 70-71.

In 1901, Gandhi returned to India, promising the Indians in South Africa to come back again whenever they would need him; however, his stay in India did not last long. When Joseph Chamberlain, Secretary of States for the colonies, visited South Africa, the Indians called Gandhi to lead their deputations to Chamberlain, and he did that despite the obstructions he faced from the Asiatic Immigration Department. In this context Gandhi said:

> *"I must no longer think of returning to India within a year, but must get enrolled in the Transvaal Supreme Court. I have confidence enough to deal with this new department. If we do not do this, the community will be hounded out of the country, besides being thoroughly robbed. Every day it will have fresh insults heaped upon it."* [1]

In the Transvaal, Gandhi had to deal with another issue, the Draft Asiatic Law Amendment Ordinance 1906. The Ordinance made an obligatory registration for the Indians in Transvaal even for women and children over eight years. Gandhi saw this as an insult to India, an "insult offered to a single innocent member of a nation is tantamount to insulting the nation as a whole."[2] Thus, he asked the Indians to challenge the law and resist it. A mass protest meeting of over 3.000 Indians held in 11th September 1906 at the Empire Theatre in Johannesburg adopted the Fourth Resolution:

> *"By which the Indians solemnly determined not to submit to the (Asiatic Law Amendment) Ordinance in the event of its becoming law in the teeth of their opposition and to suffer all the penalties attaching to such non-submission."* [3]

[1] B. Pachai, op. cit., p. 33.
[2] Ibid.
[3] E. Pahad, op. cit.

Then a deputation was sent to England to see in the case of Indians in Transvaal; however, the Draft Ordinance was passed by the Transvaal Legislature as the Asiatic Law Amendment Ordinance, No. 29/1906, this led Gandhi to form the Passive Resistance Association and launched the first campaign of Satyagraha. This step seemed successful as 500 out of about 13.000 Indians registered.[1]

As Europeans understood "passive resistance" as a kind of weakness, Gandhi stopped using this term and used instead it the term "Satyagraha"[2], a movement that was influenced by Tolstoy's principle of non-cooperation with the state. Gandhi launched his first campaign in April 1907 against the "Black Act" passed by the Transvaal authorities stating that "anyone submitting to the new law will have forsaken his god" and "his honour will be lost."[3] This step affected the Indian public opinion in the fact that a very humble number of Indians registered (500 out of 13.000). It had also an influence on the Europeans' opinions as shown in a letter from High Commissioner Lord Selborne to Jan Smuts stating that "the coloured people and the educated natives are watching this struggle closely… for the first time they recognize that they have instrument in their hands."[4] Therefore, the British government sought to suppress the campaign by arresting the entire British Indian Association and putting Gandhi in prison for three months.

Following this, Gandhi started to meet with Smuts, the latter promised to repeal the Black Act if all Indians voluntarily registered; however, in a speech by Smuts on 6th February 1908, he said that the act would not be repealed as long as a single Asiatic had not complied with its requirements, then Act 2 was amended but not repealed.[5]

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[1] M. J. Nojeim, *Gandhi and King: The Power of Nonviolent Resistence*, Praeger, Westport, 2004, p. 93.
[2] "Satyagraha", or what is called "Soul Force", is a strategy of resistance that Gandhi constructed in response to discrimination against Indians in South Africa. Gandhi defines it as "a movement intended to replace methods of violence and a movement based entirely upon truth."
[3] B. Pachai, op. cit., p. 38.
[4] Ibid.
[5] E. Pahad, op. cit.

In response to that, the Passive Resistance Association sent a letter to the Transvaal government asking either to repeal Act 2 of 1907 before 16th August 1908, otherwise all registration certificates would be burnt. Gandhi led that mass certificate burning outside the Hamidia Mosque near Johannesburg. He made a speech in front of 900 persons with the presence of many Indian organizations including the South African Indian Association, the Natal Indian Congress and the Cape Indian League; however, Gandhi was put in Jail with many other political organizers.[1]

The following stage of the movement was most remarkable by the visit of Gopal Krishna Gokhale to South Africa. After his meetings with Smuts and Botha and other highest-ranking officials he told Gandhi: "you must return to India in a year. Everything has been settled. The Black Act (Act 2/1907) will be repealed. The racial bar will be removed from the Immigration Law. The 3 tax will be abolished."[2] However, Gandhi did not trust those promises, his doubts were justified when Smuts announced that the £3 tax would not be abolished and that what Gokhale had been told in 1912 was that if the Natal members of Parliament did not object to the repeal of the tax it would be repealed, but as these members had objected the tax had not been repealed.[3]

On 14th March 1913, Judge Malcolm Searle from the South African Supreme Court invalidated non-Christian marriages and made it forbidden for the wife of a polygamous marriage to enter South Africa and join her husband even if she was his only wife. The decision was interpreted by Gandhi and other political Indian leaders as an insult to Hinduism and Islam. This led to a second Satyagraha struggle which lasted for seven months, from September 1913 until April 1914.

[1] Ibid.
[2] Ibid.
[3] B. Pachai, op. cit., p. 38.

The new Satyagraha started on September 15, 1913, when 16 Satyagrahis from Phoenix crossed the Natal-Transvaal border without permission, they were arrested and sentenced to prison and hard work for three months. Another group of women crossed the border from the Transvaal into Natal, but they were not arrested. They organized the Indian mine workers. Events then went rapidly as a big number of workers joined the movement; more than 2000 mine workers struck work on 28th October 1913. Strikers and their families, headed by Gandhi, started a march from Newcastle into Transvaal; following that march, Gandhi was arrested and sentenced to nine month imprisonment with hard labour.[1]

In November, the movement spread to the North and workers struck work to support the strike of Northern Natal. At Mt. Edgecombe and Esperanza, events exceeded peaceful demonstrations, by the police using firearms, and the labourers using sticks. As a result, 9 Indians were killed and 25 wounded.[2] The resisters were arrested and forced to work as prison labourers. Looking for solutions to that issue, the Union government appointed the Solomon Commission to discuss the causes and the circumstances in which those disturbances happened. The main recommendations were related to the abolition of the £3 tax and the validation of Hindu and Muslim marriages.

Following those recommendations, the Indian Relief Bill was introduced by the government of the Union of South Africa in May 1914, followed by the Indian Relief Act 22, 1914. The Act was concluded with the following main points: the appointment of marriage officers to solemnize marriages according to the rites of monogamous marriages by magistrates or marriage officers, the inadmissibility into the country of the legal wife of an exempted Indian of such a person had any offspring in South Africa by any other woman who was still living; the granting of free passages to India to any Indian who abandoned his right to domicile in South Africa, as well as the right of his wife and his minor children; the acceptance of thumb-prints on a certificate of domicile as conclusive proof of the holder's

[1] E. Pahad, op. cit.
[2] B. Pachai, op. cit., p. 66.

residence or domicile in Natal; the abolition of the £3 tax with the provision that no proceedings would be taken for the recovery of areas. [1] Other points concerning the Indian desires were mentioned in a series of letters exchanged between Gandhi and Smuts, known as the Smuts-Gandhi Agreement.

The drama of Satyagraha came to the end with the departure of Gandhi for England and then India on 20th July 1914, leaving the door open for the Indian issue to become an international question, expecting from the Indians to start a struggle for legal racial equality.

Gandhi's influence exceeded the Indian community and passed to the Africans who started thinking of using Satyagraha to fight against the European suppression. In this context, Gandhi said in 1909 that "if the natives accept the doctrines which are now so prevalent amongst the Indian community, their future will be much brighter than their past."[2]

Despite the successful results made by Gandhi's Satyagraha, many saw the campaigns as moral struggles. H. and R. Simons said: "The Indians fought their battles in isolation and won only moral victories."[3] But Smuts' opinion was different as he commented, "The saint has left our shores, I sincerely hope forever."[4]

The next period witnessed many changes. In 1914, the world lived the most remarkable event, the World War. Since most countries were preoccupied, there was no time to think about the small questions such as the Indian question in South Africa.

Indians in South Africa entered the war on August, 10th on the side of the British. Their contribution was considerable, an estimated £100.000.000 and 1.161.789 men, of whom 757.747 were combatants[5]. In the context of the Indian important role, the Prime Minister, Asquith said in September, 1914:

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[1] Ibid.
[2] Ibid, p. 68.
[3] E. Pahad, op. cit.
[4] U. Majmuaar, *Gandhi's Pilgrimage of Faith : From Darkness to Light*, State University of New York Press, New York, 2005, p.144.
[5] B. Pachai, op. cit., p.74.

> *"We welcome with appreciation and affection India's proffered aid in the Empire which knows no distinction of race or class, where all alike are subjects of the King-Emperor and are joint and equal custodians of her common interest and fortunes. We hail with profound and heart-felt gratitude their association side by side and shoulder to shoulder with the Home and Dominion troops under a flag which is a symbol to all of the unity that the world in arms cannot dissever or dissolve."*[1]

Due to that role, India was given the opportunity to participate in some conferences, such as the Imperial War Conference of 1917, in which the Indians' position in the dominions generally was discussed, and in South Africa in particular.

However, the ill-treatment of the Indians in South Africa continued. Smuts said that in South Africa the fundamental trouble was the fear of the European community to admit Indians freely into the country because such a practice would aggravate the position of the white man there for, as things stood, the Europeans made up a small "white population on a black continent."[2] Therefore, the Indians realized that in order to fight against racism they had to be unified under the same goal and the same principles.

Briefly speaking, no one can ignore the triumph of Indians in South Africa. In few decades, they would be able to transform their situation from merely "coolies" with humble rights into a political power that could affect the whole country and fight for the rights of the Indian community. Their issue spread rapidly and went out of the country to reach the international stage as we will see in the following chapters. Despite all those challenges, the Indians succeeded in reaching a new period in which they started an accomodationist policy.

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[1] Ibid.
[2] Ibid, p. 77.

CHAPTER TWO:

The Development of Political Movements: Internal Affairs:

After the end of the First World War, South African Indians gained an important status that allowed them participate in Imperial Conferences such as the 1917, 1918 and 1919 Conferences; however, discrimination against them did not stop as they were promised before the war; that is why, the organisations that represented the different parts of the Indian people decided to gather under one strong body named the South African Indian Congress. The Congress was organised in 1923 and sought to speak for and defend the whole Indian community.

The main event during the following period was the announcement of Malan's Bill in 1925 which aimed to segregate Indians residentially and commercially in order to reduce the Indian population in South Africa. The anger of the Indians was interpreted through their organisations in protests and mass meetings and the government of India was forced to intervene for solving that issue.

Negotiations between the governments started and a resolution of making a round table conference was adopted (1926-1927) in which an agenda of repatriating Indians was drawn under what is known as the "Cape Town Agreement". The governments hoped that the agreement would solve the South African Indian question; however, South African Indians, who were born and grew up on that land, refused to restart new lives outside it. As usual, they interpreted the terms of the agreement as sort of discrimination and saw that it was their duty to fight it.

I. The 1919 Conference and the Formation of the S.A.I.C:

After failing in the 1917 conference, the Cape British Indian Council (C.B.I.C.) called for another national conference in 1918, but there was no reply; however, things started to change with the opening of the first conference of the South African Indian Congress by J.X. Merriman on 26th January 1919. The chairman and the Secretary of the Council,Mesrs, Sheikh Ismail and A. Ismail wrote to the Editor of the Dharma Vir: "A common danger, and a common purpose has welded us all into a strong body of brotherhood to demand our rights with no uncertain voice."[1] Moreover, John X. Merriman, elder statesman of the Cape said: "I hope one result of this conference will not be to carry us further apart and sow angry feeling, but to bring us closer together."[2]

The secretary of the C.B.I.C., A. Ismail, justified the calling of such a conference saying that:

> *"in view of the disabilities and convenience which burden the Indians… it has been decided to call together delegates from the whole of south Africa… as matters affecting us will simply drift and remain in their present unsatisfactory conditions, unless we join hands… and lay our troubles before the authorities… It is to be borne in mind that the main object for which we are striving to raise the status of His Majesty's subjects (Indian), and that this desirable and praise worthy end will never be attained until we put our grievances forward in a united and resolute manner."*[3]

The first session of the conference lasted four days (from 26th to 30th January 1919). It dealt with the situation of the Indians in South Africa, racism and discrimination that the South African Indians were facing.

[1] B. Pachai, op. cit. p. 83.
[2] Ibid.
[3] E. Pahad, op. cit..

The next meeting was decided to be in Johannesburg. A committee of thirty-six was created to prepare a constitution for the next South African Indian Conference in which they discussed several issues, among them the immigration laws and other discriminatory trading laws in the Cape and other regions.

The conference finally succeeded in gathering the Indians from different parts of South Africa and creating a national body that represented the Indian opposition. With the passing of the Transvaal Land and Trading Amendment Act of 1919, the Transvaal British Indian Association called for a conference of the S.A.I.C for 3 August 1919. In this context, the Transvaal British Indian Association (T.B.I.C.) stated:

> *"It is hoped by means of this conference to safeguard the rights and privileges that have been so dearly won for us by the followers of Mother Hind. If we do not rise to this momentous occasion, then indeed will those heroes laid down their lives in vain."* [1]

The conference opened by the Mayor of Johannesburg on 3rd August 1919. It was attended by 310 delegates, 201 representing the Transvaal, 51 Natal and 58 the Cape.[2] It started in an atmosphere of anger and disorder. L.W. Ritch stated:

> *"The high order of intelligence displayed, the close grip and understanding of the issues, the ability with which the discussions were handled should have exploded once end for all the fallacy that the Indians in South Africa are in any sense inherently different either in their outlook or in their ability to consider and handle political subjects from their European fellow citizens of the Dominion.. [and] There were no overt, threats but the whole tone and temper of the very representative gathering were characterised by determination to win all or lose all."* [3]

[1] Ibid.
[2] B, Pachai, op. cit., p. 85.
[3] Ibid.

However, some parties, such as the N.I.C., did not see the need for such a conference saying that the S.A.I.C. conference is needed only for national issues that required the participation of all the provincial organisations. The South African Indian question then was no more a national issue; it moved to the international stage in which it was discussed in many imperial conferences and reached the League of Nations.

In January 1923, the S.A.I.C. called for a third conference. At that time the N.I.C. advertised for its Annual General Meeting; however, it postponed the meeting and convened the S.A.I.C. conference which opened on 31 May by the Mayor of Durban.

The conference adopted twenty-two resolutions, among them the various statutory and administrative restrictions imposed on the Indians, sending representatives to India every year to inform the Indian public opinion about the situations of Indians in South Africa, and also sending representatives to the imperial conferences and the League of Nations.[1]

After being unified under the principle of fighting discrimination, Indians were expecting to ameliorate their situation in South Africa; however, the announcement of the Class Areas Bill was a great shock to them. The Bill was introduced by the Minister of the Interior, D.F. Malan. It aimed to segregate the Indians residentially and commercially.

Indians reacted in protest against the bill. The S.A.I.C. sent a protest telegram to the government. The N.I.C. sent representatives to the Cape to interview the Minister of Interior, Patrick Duncan, and to hold a mass meeting in Durban on 27th January, 1924. A deputation included representatives from the Cape British Indian Council, the Transvaal British Indian Association the Natal Indian congress was sent to the Minister of the Interior in February

[1] Ibid.
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1924 to protest the Bill but all those attempts were in vain. Patrick Duncan pointed out to the deputation that it was the government's intention to treat the Indians with fairness and justice. A factor to be considered in the policy of the government was that the close association of Europeans and non-Europeans led to a certain measure of social friction and this could be obviated if they were separated. This applied to trading as well. The Minister stated that there was no intention of conveying a slur or stigma on Indians or to make them out as of a lower civilisation. 'If you think' added Duncan, 'that the Governments are always going to impose upon you and use every possible means of injuring you, then there is no use arguing if you start from that point of view. But I ask you to look at the Bill from the point of view that the Government is here to see reasonable fair play, and that they will use all the power they have to see that the Bill is carried out with justice and reason.' [1]

The Indians played an important role in the general election in South Africa in 1924 in which the Nationalist Party under the leadership of General Hertzog defeated the South African Party. During the election campaign, the Nationalist Party promised to solve the Indian problem but it was a false promise, since the Minister of the Interior in this government was D. F. Malan, the introducer of the Class Areas Bill and other discriminatory legislation such as Ordinance N° 169 of 1924 which disenfranchised Indians of the municipal franchise.[2]

The S.A.I.C. and the N.I.C. reacted sharply to the Ordinance resolving that:

> *"If we prove unsuccessful in the Courts of Justice then as self-respecting men there will be no other course open to us, but to raise the standard of passive resistance and we shall then call upon 150.000 members of our organisations to prepare themselves for the struggle."*[3]

[1] B. Pachai, op. cit., p. 107.
[2] Ibid.
[3] E. Pahad, op. cit.

II. Malan's Bill:

Meetings among Indians were held but nothing changed. In July 1925, Malan introduced into Parliament "The Areas Reservation and Immigration and Registration Bill." The Bill was designed to restrict Indian trading and citizenship rights (such as land ownership). In introducing it, Malan said:

> *"The Bill frankly starts from the general supposition that the Indian… in this country, is an alien element in the population, and no solution of this question will be acceptable to the country unless it results in a very considerable reduction of the Indian population in this country."*[1]

Indians reacted immediately to Malan's speech and to the new bill through their organizations. Mass meetings were held. Members of the S.A.I.C. met the Minister of the Interior on 16 November 1925. They objected the bill saying that it contravened the 1814 Gandhi-Smuts Agreement and deprived Indians of their proprietary rights. They also urged to create a round table conference to discuss the removal of the bill.

On the other hand, at the all-India Congress, Abdurahaman, the president of the Congress, claimed in his speech that it was the duty of the British Empire to protect her Indian subjects in South Africa and not allow her "sons to suffer". He also referred to the resort to militant action saying that "the South African Indians were willing and prepared to fight, but needed the backing and support of the Indian nation."[2] And that

[1] Ibid.
[2] Ibid.

> *"India can speak, as she ought to speak, like a free man and say we will not allow our sons to be humiliated any longer be cause we have got the power to say so."*[1]

Since the bill contravened the intentions of clause XXII of the covenant of the League of Nations,[2] the Indians suggested external pressures; however, Malan rejected that suggestion stating that:

> *"I may say, in general, that the Union Government considers the Indian question to be a question which has to be solved by the South African Government and Parliament and people… The question is a South African one and has to be solved and settled by the Government and the people of South Africa."* [3]

Negotiations between the two governments for a round table conference continued. Indians attempts carried on to repeal the bill. The S.A.I.C. called for a national day of prayer and hartal[4] for 23 February 1926, shops and businesses were closed. A deputation from India sailed to South Africa to study the case of Indians there and a deputation was sent from South Africa to India. The members of the deputation interviewed the viceroy of India and presented the case of the South African Indians to him. The Indian Congress in South Africa organised mass meetings. On 31 August 1925, the N.I.C. held a mass meeting in Durban to express the

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[1] Ibid.

[2] Article 22 of the Covenant of the League of Nations: There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

[3] B. Pachai, op. cit., p.113.

[4] The word 'hartal' refers to the act of closing shops or suspending work, especially in political protest.

protest against Malan's Bill and to call for a round table conference and to discuss the repatriation of the South African Indians. The meeting won the sympathy and the support of a large number of Indians as well as few Europeans. The *Natal Witness*, one of the main newspapers in Natal, stated:

> *"The mass meeting had certainly proved by a tremendous triumph of organisation… Despite the huge crowds who clamoured for admission, there was no over-crowding whatsoever, and the few Europeans who attended were treated with the utmost courtesy and consideration. All the speakers were listened to quietly and attentively. Evidently the most unlettered of those present, realised the necessity for upholding the status of his race and responded accordingly."* [1]

The Hertzog government was pressured by internal and external Indian agitation. After long times of negotiations, an agreement for a round table conference was reached.

The conference began on 17 December 1926 in Cape Town. In the opening speech, Hertzog noted that South African whites feared the growing Indian population would take away 'white jobs', and along with the African population threaten their long-term existence. [2]

The conference decided to follow this agenda:

- Reducing the Indian population.
- Restricting migration and creating an effective repatriation scheme.
- Enabling Indians resident in South Africa to conform to Western standards of life (educational and sanitary conditions).

[1] E. Pahad, op. cit.
[2] B. Pachai, op. cit., p. 118.

Malan stated that:

> *"In the first place, we wish to pace on record our firm belief in the principle that it is the duty of every civilised Government to devise ways and means and to take all possible steps for the upliftment of every section of their permanent population to the full extent of their capacity and opportunities. We may, therefore, assume it to be common cause between us that in the provision of educational and other facilities, the Indian community permanently settled in the Union should not be allowed to lag behind other sections of the population."*[1]

Both sides maintained friendly relations throughout the negotiations. The conference lasted fifteen days (from 17 December 1926 to 12 January 1927). On the last day, Malan said:

> *"I think that the reason why we have come to such a satisfactory solution is certainly, in the first place, because at the very outset we determined to be good friends and to remain good friends throughout, and, in the second place, because we did not think that this problem was a South African problem alone. We recognised that it was as much the problem of the one country as the problem of the other; we recognised that in the solution of this problem there was between us a community of interests, and we viewed this problem and grappled with this problem as a common one between us."* [2]

The Union government promised to give repatriated Indians a £20 bonus and allowed them return to South Africa within three years. Srinivasa Sastri, an Indian politician and a close friend and associate of Gandhi, became the Indian agent-general in South Africa to ensure continuous co-operation between two governments.

[1] E. Pahad, op. cit.
[2] B. Pachai, op. cit., p. 118.

III. Reactions to the Cape Town Agreement:

Although the agreement offered hope to the Indians, it faced many opposed views and criticism. Regarding the idea of westernisation, Miss Corbett wrote:

> *"Westernisation could not succeed as a solution. For education, tending to greater equality of civilization between Indians and Europeans would intensify competition and the fear of colour. The ultimate aim of the policy of westernisation, as advocated by the Indians, was equality of civilization. Westernisation would make assimilation of the Indians in South Africa's western civilization possible. But equality of rights and assimilation were just what the Europeans above all were set to avoid. If the menace of a lower civilization was removed, the menace of colour would be intensified…"* [1]

The Natal Indian Vigilance Association (N.I.V.A.), that represented the ex-indentured immigrants and their descendants, presented a letter to express their fear of the policy of repatriation and asked for the intervention of the Indian government. The N.I.V.A. stated :

> *"to right this pernicious, atrocious and abominable wrong to our people (i.e repatriation) otherwise do not interfere in our domestic affairs. (because) with the help of Providence, we are quite capable of gaining our social, educational industrial and political salvation by our own efforts and with the help of the League of Nations."* [2]

At the seventh annual conference of the S.A.I.C, the deputy president J.W. Godfrey referred to the attitude of the S.A.I.C. towards the Cape Town Agreement saying that its acceptance was for the upliftment clause but he criticized the point that 'there is no definite assurance given as to what it is intended should be done'. [3]

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[1] J. E. Corbett, *A study of the Cape Town Agreement*, M. A. thesis of the University of the Cape Town, p. 40.
[2] E. Pahad, op. cit.
[3] J. Kelly, *South African Indian Politics and Labour 1920-1933*, B. A. Honours in History at the University of Natal, Durban, 1985, p. 86.

Godfrey also stated that:

> *"No provision is made as regards restoration of our municipal franchise, no indication is made of our even getting the parliamentary franchise. In general, however, the S.A.I.C accepted the Agreement as 'an earnest of their changed feelings… We shall go out to meet this friendly and tolerant spirit of the Government."* [1]

In concluding his speech, Godfrey gave Indians a great responsibility saying that:

> *"Success of the Agreement lies with us. We are bound to give it a trial… let us not do it Half-heartedly… (Agreement) will mean hand, solid work and skill to operate so as to net the maximum of good results… The community looks to us for a lead… (and) will in the near future look to us for practical results out of the Agreement."* [2]

The participants considered the conference as an honest attempt to solve the question, mainly because it was prepared to discuss and criticise some features of the Cape Town Agreement. Therefore, the following resolutions were passed: the restrictions on the sale of unalienated lands in municipalities; the serious failure to restore the municipal franchise; the failure to remove the disability under the Colour-Bar Act; the right to critically examine the Liquor Bill and any draft that may be brought forward to implement the agreement.[3]

[1] Ibid.
[2] E. Pahad, op. cit.
[3] Ibid.

The decisions of the S.A.I.C. were reasonable; however, they were criticized by many parties. The *Natal Mercury* criticized the acceptance of westernisation claiming that 'the Europeans would not tolerate conditions aimed at undermining their moral and legal authority to protect and safeguard their future. But they would welcome the co-operation of the "less advanced" in their endeavours to "advance in the scale of civilisation" so long as the Indians were not in competition but in harmony with "European civilisation".[1]

However, a manifesto was presented to the Prime Minister. It was signed by P.S. Aiyar, Leo. R. Gopaul and 45 other Indians living in Durban. They objected to the lack of representation of South African Indians in political decision-making processes and said that the agreement had not touched the "root-cause of anti-Indianism" because it ignored the 'burdensome and oppressive legislation that grinds down its victims."[2] They mentioned:

> *"We, the undersigned representative Indians, take this opportunity to state for public information that the general approval given to the Indian settlement (CTA) by a small group of men who style themselves the South African Indian Congress should not be considered a true reflection of the Indian public feeling…"* [3]

The manifesto also reflected the socio-economic aspects since the leadership of the S.A.I.C. was composed basically of traders and wealthy men:

> *"in order to get more trade licences for the members of the congress, labouring-class (i.e. ex-indentured Indians of various classes and groups including; the working class, farmers, small traders and white-collar employers) Indians' rights were bartered and, again, the municipal franchise rights of Indians were exchanged to obtain appeal rights for trading interests. In a word, time after time, this congress, which consists of a few wealthy Mohammedans… has sold our rights… for their sole benefits."* [4]

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[1] Ibid.
[2] Ibid.
[3] J. Kelly, op. cit.
[4] Ibid.

Replying to this criticism, Godfrey said:

> *"Not intend to embark upon any vigorous agitation at all as we realise there is a real work of sacrificial character to be performed… for the upliftment of our people. The development of housing schemes, improved sanitary conditions, etc…, will need volunteers, and I wonder if those gentlemen now criticising the work of the congress will actually materialise and do some concrete work."* [1]

Moonsamy Naido, a Natal Hindu farmer, criticised the S.A.I.C. for accepting the repatriation scheme, writing in *Natal Mercury* that "the farmers had lost their Indian ties" and that "we live here and hope to die here… the bones of my forefathers rest in this country, and it is a sacrilege for me to leave it." [2]

In India, most opinions supported the agreement and saw it as a right point for the South African Indian question. According to Gandhi, the compromise:

> *"is acceptable in spite of its dangers, not so much for what has actually been achieved, but for the almost sudden transformation of the atmosphere in South Africa from one of remorseless hostility towards that of toleration, and from complete ostracism to that of admission of Indians to social functions."* [3]

The Indians started to feel themselves part of the South African society. They saw that they belonged to the South African country; they hoped that the agreement would give them their rights and privileges as South African citizens. The Indian and South African governments hoped that the agreement would ameliorate the situation of the Indian South Africans and would achieve peace between the white and Indian communities.

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[1] E. Pahad, op. cit.
[2] Moonsamy Naido, "Congress has sold our rights.", Documentary History of Indian South Africans.
[3] E. Pahad, op. cit.

In fact, to measure the success and failure of the agreement, we have to analyse three issues: education, the scheme of Assisted Emigration and the Liquor Bill of 1927. When Sastri, the first agent, arrived in June 1927, it was among his responsibilities the implementation of the agreement.

Starting with the educational objective, an advisory committee was appointed to study the conditions for improving facilities in the fields of education. Progresses were achieved; for example, "… since 1928… the whole of the subsidy received from Union Government for Indian education was spent on this domain; expenditure rose from £ 28.430 in 1926-27 to nearly 600.000 in 1930-31… the number of Indian schools increased from 52 in 1928 to 78 in 1931." [1]

Sastri initiated a project to build an institute of higher education from Indian subscriptions. In the first four months, he had collected £18.000- £2.000 less than his target.[2] Thereafter, there followed delicate negotiations with the Natal Provincial Council on the granting of a site.[3] The institution was named Sastri College; it was opened in October 1929.

Applying the repatriation scheme was not as easy as the two governments had thought. The term repatriation in itself had bad implications; that is why, it was better to be termed 'assisted emigration'. At first, the scheme seemed attractive; a bonus of £ 20 per returning immigrant seemed to be a perfect amount for a family of five or six persons.

The agreement appeared to be successful. Malan in a speech in Parliament stated that "in the last calendar year, the number of Indians repatriated was 3.250 against 2.900; the highest total ever reached any one year in the past."[4] However, the success of the repatriation scheme did not last long since its objectives were different. The Indians saw the agreement as a step towards equality, but Malan claimed its objective was "to get as many Indian repatriated as possible." [5]

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[1] J. Kelly, op. cit.

[2] E. Pahad, op. cit.

[3] Ibid.

[4] J. Kelly, op. cit.

[5] B. Pachai, op. cit., p. 120.

Moreover, the repatriates born in South Africa and grew up there, it was difficult for them to adapt to a new life; India was for them a new country and it was not easy to re-establish themselves in an Indian society divided into villages and castes. Even the conditions of living were not comfortable as the Indian government had promised. All those factors and others let the South African Indians hesitate and abandon the idea of repatriation because they did not know what prospect awaited them in India.

The number of repatriates declined as the following figures show: 1927 – 1.655; 1928 – 3.477; 1929 – 1.328; 1930 – 1.012; up to June1931 – 521. Total number 7.993. The total number of repatriates from 1914 to June 1931 was 31.026. [1]

In 1929, Bhawani Dayal Sannyasi, a South African Indian, the founder of the journal, *the Hindi*, Vice-President of the Natal Indian Congress, President of the All-India Emigrants Conference and member of the South African Indian Congress deputation to India in 1925, published a report on the repatriation scheme saying that the scheme had failed because it brought great misery upon the repatriates, especially those born in South Africa who were accustomed to a different standard of living and that the Indian government had been able to help a few repatriates in South India but hardly any in North India. He also stated that the repatriates, especially the skilled workers, found it very difficult to settle happily in India because of climatic conditions and low wages. Therefore, the repatriation scheme would become increasingly unpopular.[2]

[1] E. Pahad, op. cit.
[2] B. Pachai, op. cit., p. 130 – 131.

Following the agreement, the South African Indian Federation (S.A.I.F.) emerged in 1927, but its objectives were apposed to the congress. It was against the agreement mainly the repatriation scheme. The S.A.I.F. saw the agreement as "gradually resulting in economic strangulation and driving the community to ruin with ultimate reduction of the population to undefined and unlimited dimensions." [1]

The attempts of the Cape Town Agreement to give up discrimination failed, the government often was not committed to its promises. An interesting example in this regard is clause 104 of the Liquor Bill of 1927 which was designed to 'prohibite the employment of Indians on any licensed premises, hotels, clubs and breweries in all provinces bar Natal.'[2] The clause was withdrawn in February 1928 after the protests of the S.A.I.C.

However, the clause was replaced by another one, clause 102 of the Liquor Act; it was similar to the previous. The clause affected eighty barmen. Responding to the S.A.I.C. agitation, the government promised that clause 102 would not be "enforced literally"' and that it was not government policy to prevent the employment of Asiatics who were actually employed as waiters or wine stewards at the time the act came into force. [3]

The failure of the assisted emigration scheme was obvious, so consequently the failure of the Cape Town Agreement as well. The new agent in South Africa, Kurma Reddi, reported that:

> "*the decrease in the number of persons availing themselves of the assisted emigration scheme has caused the greatest anxiety both the Agent and to the Union Government. For there can be no doubt that Europeans in South Africa judge the success or failure of the Cape Town Agreement by the working of this scheme.*"

[1] E. Pahad, op. cit.
[2] Ibid.
[3] Ibid.
[4] B. Pachai, op. cit., p. 131.

IV. Events in the Transvaal and Natal :

Soon after the Cape Town Agreement, the Transvaal Asiatic Land Tenure (Amendment) Bill (commonly referred to as the Asiatic Rights Bill) was introduced by the Minister of the Interior in May 1930. The bill caused many troubles among the Indians and created a great tension in the Transvaal. It contained the following resolutions: first, Asiatics were prevented from acquiring any property in any form in the future outside areas set aside for them. Second, sections 130 and 131 of the Gold Law to be strictly enforced after 1st May, 1930. Third, trading licences were issued only to Asiatics who were lawful owners of the premises occupied.[1]

In protesting the bill, the S.A.I.C. held an emergency conference in Johannesburg on 5th and 6th October 1930, asking the Union government to withdraw that bill. The rich merchants considered the bill as a common danger that obliged them to unify in order to protest it. Kurma Reddi, the Chief Minister of Madras presidency, stated that:

> *"a common danger has brought them together and made them sink their private difference in a public cause. Hereafter, there will be no two parties… but only ones, which with a united voice can place their grievances before the Government of this country and India."* [2]

The conference asked the government of India to press for a round table conference in case the Union government refused to remove the bill, and if this failed, the Indian Government was asked to end diplomatic relations and to withdraw its agency in South Africa. At the Tenth Annual Conference of the S.A.I.C., the resolutions of the emergency conference were confirmed, a committee was appointed to make negotiations between the two governments.

[1] Ibid, p. 132.
[2] E. Pahad, op. cit.

The second round table conference took place in Cape Town on 12th January 1932. In his opening speech, the Prime Minister, General Hertzog, said:

> *"Let us not forget that we are pioneers in the task of cultivating friendship and establishing active national relationship between South Africa and India, and that here as everywhere else the path of the pioneer is strewn with difficulties and dangers of the most unexpected nature. Whatever these maybe let us determine especially at this Conference not to lose courage but to preserve in our endeavours."* [1]

At the meeting, Malan accused the Indian government of non co-operation for the success of the repatriation scheme; he claimed that "the Cape Town Agreement has consequently failed as a settlement in any true sense of the word." [2]

Trying to find a solution, the Indian delegates suggested that the South African government look for places where the surplus Indians could emigrate. The two governments agreed for that solution and the South African government organised the Colonization Committee to investigate new places for Indian emigration.

Mrs. Sarojini Naido reported that

> *"out of patriotic motives, and to ascertain whether there exist any good opportunities for South African Indians in other countries, they are prepared to co-operate in exploring outlets for colonisation."* [3]

[1] B. Pachai, op. cit., p. 134.
[2] Ibid, p. 135.
[3] Ibid, p. 136.

The Transvaal Asiatic Land Tenure Bill became law in the form of Act 35/ 1932 and the clause that permitted the punishment of the Indians who reside in illegal places was removed. A new commission was created, known as the Transvaal Asiatic Land Tenure Act Commission (also known as the Feetham Commission). It aimed to compile a register of the Indians who violated the act; it had:

> *"to enquire into the occupation by coloured persons [mainly directed at Indians] of proclaimed land in the Transvaal insofar as such occupation is affected by the provisions of....Act No. 35 of 1932."* [1]

Indians in the Transvaal protested against the Commission. The agent-general of India, Kunwar Sir Maharaj Singh, pointed out that "any trader had to follow his market and could not erect his shop in a vacant area and expect houses and potential customers to grow around him."[2]

The Transvaal Indian Congress protested the commission by holding a mass meeting on 14th August 1932. The following resolutions were passed*:* people be advised individually and collectively to abstain from filling in forms... or to do, or take part in any matter or thing which might mean their conforming to the requirements of the said act; a committee be appointed to initiate such resistance to the act as may be found necessary for the purpose of entering effective resistance thereto; it has come to the notice of congress that in order to protect their interests some persons have already filled in forms through fear. This does not mean that they accept the act. Therefore, this meeting resolves that those who have filled in forms have done so under protest and solemnly records its protest against terms of licence control ordinance of 1932 as being a distinct violation of the Cape Town Agreement... and as constituting a most serious menace to non-European traders in that it confers upon Municipal Licensing Committee, autocratic and absolute powers."[3]

[1] E. Pahad, op. cit.

[2] Ibid.

[3] Ibid.

In its report, the commission pointed out that a very small number of Indians "penetrated"[1] into European areas, and that the government should reserve 202 acres of land on the Rand for Indian occupation.[2] However, the recommendations were protested by both Indians and Europeans. To calm down the Indian government, the Union government passed the Transvaal Asiatic Land Tenure Amendment Act in 1937 that permitted the Minister of the interior to give more land to Indians. However, the *Hindustan Times,* voicing the majority Indian opinion, wrote that "for the government of India to go into ecstasies over what are trifling gains, and advertise the results as a big event, is something inexplicable."[3]

The decision of the T.I.C. and the S.A.I.C. to oppose and not to co-operate with the Feetham Commission led to the formation of a new organisation, the Transvaal Indian Commercial Association (T.I.C.A.). It was formed in an atmosphere of political and economic pressure. The richer merchants saw the association as a solution to salvage their interests because they realised that they would benefit from the recommendations of the Feetham Commission by owning more lands in the Transvaal.

Feeling that the T.I.C.A. had been eclipsed, S.B. Medh, a leading member of the T.I.C. wrote in a letter to Sastri:

> *"At present Transvaal Indian Congress is a dead body. It is not functioning. Everything is done through Commercial Association. With the assistance of Agent-General, some are trying to kill Congress, which was established at your advice."*[4]

[1] This was the South African government's official term for Indians moving into white areas.
[2] B. Pachai, op. cit., p. 140.
[3] Ibid.
[4] E. Pahad, op. cit.

The T.I.C. set up a conference on 24 and 25 May 1933 to emphasise its protest and convict the attitude of the T.I.C.A. which affected the rights of the Indians and segregated them. Besides, the T.I.C.A. was accused of being a handful of the merchants and not the whole Indian community.

The Transvaal Asiatic Land Tenure (Amendment) Bill was withdrawn on 28 May 1936; however, anti-Asiatics legislation continued. In 1937, the Mixed Marriages Bill was introduced to prohibit marriages between Asiatics, Europeans and Africans. The Mixed Marriages Commission was appointed to report all marriages involving Indians. The Commission then prevented the mixed marriages; however, its recommendation went beyond the government's concerns of the World War II.

The events which happened in the Transvaal in the period 1930-1936 showed the weakness of the moderate leadership of the T.I.C. and the S.A.I.C., and demonstrated the failure of the accommodationist policy; this helped in the emergence and the growth of the radical faction in the Transvaal.

In their attempts to salvage the relations between the governments of South Africa and India, it was accepted to apply the colonization issue. The S.A.I.C. representatives promised to co-operate with the Colonisation Enquiry Commission, saying that the co-operation

> *"is taken as inspired by patriotic motives and to ascertain whether there exists any good opportunities for South African Indians in the countries explored, and not on the score of Indians being deemed undesirables, or that the Indian population is to be reduced, provided also that the Assisted Emigration Scheme… is eliminated."* [1]

[1] E. Pahad, op. cit.
[2] Ibid.

However, in the first year, the issue had not made any progress, mainly because Brazil and British Guiana did not support the scheme. Then, events changed in South Africa, a coalition government came to power as Hofmeyer became the Minister of Interior and Malan was in the opposing side. The announcement of the return of Tielman Roos (former chairman of the Transvaal Nationalist Party) on 22 December 1932 threatened the position of Hertzog (mainly after the economic damage caused by his refusal to get off the gold standard). In March 1933, Smuts and Hertzog formed a coalition cabinet and a year later, they formed the United South African National Party.

The fusion government was pressured to set up the Colonisation Enquiry Commission in June 1933. Hofmeyer announced the terms of reference and personnel of the commission. They were J. Young (chairman), G. Heaton Nicholls, P. F. Kincaid and a nominee of the S.A.I.C. The commission had first to investigate and report which country or countries could be the best place for South African Indians to live in (economic, political and climatic prospects), and "the extent to which Indians in the Union would participate therein."[1] But this solution opened the door for other troubles between those who supported the policy of co-operation and those who opposed it.

Kajee and Rustomjee, members of the S.A.I.C. called for co-operation and suggested S. R. Naido, another member of the congress, to be the congress nominee saying that he was practical minded. With the insistence of the S.A.I.C. to co-operate with the commission, twenty-two leading Indians, including A. Christopher, P.R. Pater and Manilal Gandhi, called for a mass meeting to protest against the co-operation of the S.A.I.C. The meeting took place on 23 July 1933; the leaders tried to calm the suspicions of the audience but they failed. The failure of the meeting led to the necessity for an emergency conference of the S.A.I.C.

[1] Ibid.

The conference was opened in August 1933 by the agent Kunwar Maharj Singh. Both parties (supporters and opposition) attended it. The supporters said that the S.A.I.C. had undertaken to co-operate with the commission which could be advantageous to the Indians; however, the opposition believed that they were protecting the poor and that "the aim of the inquiry was to attempt to reduce the Indian population, which meant the bartering of the rights of the poor to safeguard the rich."[1]

There were many negotiations in fact, but nothing changed and no fixed resolutions were taken. This led A. Christopher, P.R. Pather and Manilal Gandhi to form the Colonial Born (C.B.) and Settlers Indian Association (S.I.A.). They also set up a manifesto in which they promised to safeguard the rights of the South African Indians in all fields (politically, educationally, economically and socially), and to help the Indians to conform to western standards of life. They made an extensive constitution that aimed to improve the farmers' conditions and to involve women in the political life by organising special women auxiliaries.

The Association organised its first meeting during which it protested against the setting up of the young commission and the co-operation of the S.A.I.C. After the meeting the agent reported:

> *"The thinking and well-to-do classes, especially those born in India, will largely support the congress, while the sympathies of the younger generation and the poorer classes will in general be with the non-co-operation."*[2]

[1] Ibid.
[2] Ibid.

The organisations in Natal were divided between supporters and opposition. Troubles happened as a result of the disturbance of each other; the meetings of the N.I.C. which were hold in Durban and Pietermaritzburg were broken up; this is why, the N.I.C. decided not to hold any other public meetings. Therefore, the weakness of the N.I.C. helped the association to emerge and develop as an important political force which concerned mainly with the interests of the Indian workers and poor farmers. It formed seven branches in Clairwood, Sea Cow Lake, Pietermaritzburg, Dundee,Newcastle and Verulam. In every meeting of the association, it re-affirmed its non-co-operation with the youngcommission and criticised the S.A.I.C. and N.I.C. saying that the association had no confidence in them.

The Colonial Born held a conference in Durban on 31 December 1933, in which they discussed many issues related to the South African Indians such as the colonisation issue, the improvement of the educational and political life of the Indians mainly the Natal immigration laws. A. Christopher, in his speech, defended the rights of the workers mainly the illiterate ones and discussed the lack of equality for the Indian labourers and criticised their replacement by machinery.

The resolutions passed at the Colonial Born conference were not very different from those of the S.A.I.C. and N.I.C. conferences. All of them shared the same purpose: the achievement of the aspirations of the South African Indians.

[1] Ibid.

The Settlers Indian Association consisted of several branches, each branch had specific activities. For example, the Clairwood branch dealt with the problems of the daily life such as the high taxes imposed on the Indians and the improvement of their civil lives. According to Essop Pahad's documentary papers, at two meetings held in October 1933 and May 1934, the secretary reported that the branch had enrolled over 200 members… several roads in that area had been repaired, and that he was in contact with the Postmaster General in connection with an improvement, in the postal delivery.[1] Another example is the Pietermaritzburg branch which dealt with other problems such as the policy and restrictions imposed on the Indian workers. The branch held a meeting on 4 November 1934 and proposed to elect a committee to follow up the workflow of the trade unions and occupation.

The association held several meetings. In one of them, A. Christopher and other members criticised the labour policy against the Indian workers "which is used not as a standard but as a means of displacing Indians and other non-European labour thus causing more and more unemployment amongst Indians" [2]

The association requested more equality in the treatment of the Indian workers and asked to give them more freedom in trade expansion, saying that the white labour: "should be encouraged to work alongside the Indian trade unionist with a like qualification and subject to the same rates of pay and conditions of employment."[3]

[1] Ibid.
[2] Ibid.
[3] B. Pachai, op. cit., p. 173.

The association had a great effect amongst the Indian community. The agent Kunwar Maharaj Singh declared that the Indians were no more satisfied with the Agreement of 1932 and that no support would be given to Sarojini Naidu and C.F. Andrew for the colonisation scheme. This was confirmed by the S.A.I.C. representative in the young commission, when he wrote to Sastri that:

> *"since my appointment. Christopher, Manilal and P.R. Pather gathered forces of colonial born Indians, openly preached sedition against the congress, and have told the community that the Congress was out to sell their birth right."* [1]

And

> *"He (Christopher) has fired the imagination of unintelligent people… Since my appointment I have been through a hellish time. How dearly I wish to get out of the whole thing and let the community go, to get out of the whole thing and let the community go, to – well anywhere it liked. Old men and women, boys and girls, young and old – all talk about colonisation today. Now my Tamil people, towards whose interest I devoted the best part of my life, charge me with treachery and with having been heavily bribed by the Union Government. All this is nauseating. How credulous they are."* [2]

The success of the Settler Indian Association was an evidence of the N.I.C. decline. No public meetings were hold. Essop Pahad mentioned in his documentary papers that from 9 June 1935 to 20 October 1935, the N.I.C. executive postponed the meeting five times. On the last occasion they decided to postpone it indefinitely.

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[1] E. Pahad, op. cit.
[2] Ibid.

In the Cape Town, in fact, the situation was not the same. The Indians were not threatened by the colonisation issue since they had inter-married with the Malays whereas in the Transvaal, the majority of Indians were influenced by the T.I.C. and supported the S.A.I.C. on the colonisation issue despite the existence of some pro-association who supported the meetings held by A. Christopher and P.R. Pather mainly in Pretoria and Johannesburg.

The Colonisation Commission made its report despite all the obstacles; it was supported by the S.A.I.C. which considered the colonisation scheme as "a benefit of India's surplus millions." The commissionaires claimed that the following countries were the most suitable for Indians: East India Archipelago, British North Borneo, British New Guinea and British Guiana; however, the Indian government stated that British North Borneo was unsuitable because 'South African Indians would not be able to conform to 'Eastern conditions of life' since they had "undergone a process of Westernisation."[1] This made the S.A.I.C hold its 15th annual conference in February 1935 and declared the postponement of the report until the two governments would take clear and appropriate decisions.

The efforts of the two governments to implement the colonisation scheme had not done great. Then it was the role of the agents to calm down the situation and to try to make reconciliation between both sides.

V. Troubles Amongst the Agent-Generals:

Kunwar MaharajSingh was sharply attacked by the Settler Indian Association and the Indian opinion during his term in office. This was due to his refusal to attend the first provincial conference of the association. The latter saw Singh as partial to one side and accused him of not working in the interests of the Indians and asked the Indian government

[1] Ibid.

to stop the agent from taking sides and serving a small minority against the majority; however, the government did not implement their demand. It supported Singh's partial attitude because it believed that the congress was more rational and representative.

For Raza Ali, the situation was different. He was given office in February 1935, but he had not been subjected to criticism so much as Singh due to his contacts with some of the association leaders. Thus, he was in some ways impartial. However, none of the agents, according to the Bulletin of November 1935, had succeeded in improving their conditions.[1] Both agents tried to make reconciliation between the association and the N.I.C.; however, their endeavours were in vain because the association leaders believed that the government gave more recognition and support to the congress.

Raza Ali was more enthusiastic for reconciliation but since there were no more attempts from the congress, the Indian government did not encourage him to do so. However, Raza was adamant and he succeeded in calling a meeting on 20 August 1935 in which he gathered six representatives from the association and six from congress. After discussions, they proposed to form a new organisation, the Colonial Born and Settlement Indian Congress, making some adjustments to the constitutions and each delegate was free to express his own opinion; however, that proposal was opposed because it would change the name of the S.A.I.C. and on the other side, the association was not content with the proposal because the organisation dealt mainly with the rich merchants whose political experience was not efficient.

The organisations created obstacles and difficulties for the formation of the new association whereas the agents saw that the best solution for the interests of the Indians was reconciliation.

[1] Ibid.

In fact, the marriage of Raza Ali on January 1936 was a big challenge in the development of the political movements. The Muslim's marriage to a Hindu caused the resignation of the prominent leaders of the N.I.C. and the S.A.I.C. Despite the efforts of the agent-general to calm things down, the marriage had many serious consequences: V.S.C Pather, S.R. Naidoo, J.W. Godfrey and B.M. Patel gave their resignation in the S.A.I.C. Moreover, the joint secretary, treasurer, four vice presidents and fourteen committee members resigned in the N.I.C. They said that the marriage:

> *"Will be no less than a national calamity… and will produce repercussions, the grave effects of which can never be foreseen at the present moment… To the Eastern mind, having regard to its traditional and religious character, such matrimonial alliances are undesirable… This precedent… will be regarded as an affront to the susceptibilities of the Hindu community."* [1]

Therefore, the co-operation with the agency would be impossible as long as Raza Ali was in charge.

The *Indian Opinion* did not support the resignations and rejected the publication of anything related to them. It did not want 'to make a mountain out of a mole-hill'. S. Rustomjee, the leader of the congress, was the most violent opponent to Raza Ali certainly for personal and political reasons; however, it is clear that relations between the agent and congress leaders were under heavy strain. This agitation led to a divorce between the Hindus as whole and the agency. When Raza Ali went to Durban in 1936, receptions in his honour were held by Muslim bodies and attended by the Muslim community; thus, the issue took a communal term. The leadership of the N.I.C. was in the hands of Muslims especially A.I. Kajee. Hence, one can say that resignations seriously affected the N.I.C. despite the wishful thinking of the agent-general.

[1] Ibid.

The S.A.I.C, after its failure to hold conferences in 1936 and 1937 because of the divisions caused by the marriage of Raza, and after long discussions, it was finally agreed to include the agent in the deputation. A positive consequence to the S.A.I.C. and the N.I.C. was that the agent was closer to the three principle speakers of the deputation (Nana, Kajee and Jajbhay). He praised their intervention saying that Nana's

> *"Intimate knowledge of the subject, his quick grasp and the dispassionate and persuasive manner in which he replied to the questions put in cross-examination deserves to the specially mentioned."* [1]

The T.I.C. and the C.I.C. were less affected by the crisis. They highly criticized the people who resigned and thought that the marriage was a personal affair. Further than that, they stood behind the S.A.I.C. because in the Transvaal and the Cape, Muslim community was the majority and the leadership of the T.I.C. and C.I.C. was not affected by the efforts of the agent to recognise the association and we can see that Rustomjee's influence was neglected, it affected only the areas of Durban where the Hindus were living, whereas in other parts where the majority were Muslims, Rustomjee's campaign against Raza Ali had no effect. The association's position was business as usual and it was happy for the weakeness of its main competitor, the N.I.C.

The issue of the marriage was not small, it did not have as Fatima Meer claimed "an inconsequently matter"[2] because Indian leaders lost the political initiative under the two governments. The issue arose from political and personal differences which had the huge

[1] Ibid.
[2] F. Meer, *Portrait of Indian South Africans*, Avon House, Durban, 1969, p. 142.

effect of reducing the credibility of the N.I.C. More than that, in a political party that claimed to represent and defend the interests of the entire people, a communal difference is definitely not ‘an inconsequent matter’, therefore, the case of Raza Ali’s marriage explains how and why the N.I.C. was influenced by the Muslim community mainly by Kajee, and how some of the congress leaders were political operators who served their own interests inside the community.

Events in the period 1917 to 1923 moved rapidly. The situation of Indians in South Africa seemed better since they could reach the international level and participate in imperial conferences. However, with the continuous wave of discrimination, Indians were obliged to form the S.A.I.C. The organisation aimed to serve the interests of the whole community and deserved to be the power that secured the rights of Indians as we saw in many situations such as its protest against Malan’s discriminatory bill and its success in the help of other Indian parties to repeal the Bill and to urge for the round table conference and the Cape Town Agreement. The agreement that had many positive aspects: for the government of India as it secured the future of the Indians who remained in South Africa by adopting the upliftment clause and for the Union government as it could calm down the situation in South Africa for a certain period of time.

CHAPTER THREE:

The Development of Political Movements: External Affairs:

Economically, 1939-1945 era was a great challenge to South Africa. The South African economy was strong; and again, there was a shortage in labour due to the war. South Africa needed to employ non European labourers. According to Essop Pahad, the value of manufacturing output increased by 1.16 per cent and the industrial labour force grew by 53 per cent; non white by 74 per cent and white by 20 per cent. That shortage created opportunities of employment for Indians who constituted 2.5 per cent of the total population.[1]

Politically, the great number of workers had an effect on radicalisation of the Indian political movement with the emergence of radicalism in the two towns of Natal and Transvaal. The radicals pledged to make the political movements more democratic.

Events started to change once the World War broke out. The views were divided between moderates, who preferred to be loyal to the empire since they considered themselves as British subjects; and radicals who believed that it was an imperialist war and they put conditions to join the war on the side of Britain, such as giving equality and justice to South African Indians.

The post war era was remarkable by the introduction of the UN Charter, and how the Indian struggle was transformed into an international and human rights issue. However, in fact, the Union government did not take the U.N. into consideration since it knew that the organization could not intervene in the domestic affairs of any state. The Union government then introduced more discriminatory legislation, the Asiatic Land Tenure and Representation Bill in 1946, which caused an explosion in the Indian community and forced the Indians to launch the first non violent resistance campaign since 1913, the campaign which helped and strengthened the Indian position in the U.N. and gave significance to the South African Indian issue internationally.

[1] B. Pachai, op. cit., p. 126.

I. Indians Views towards the War: Radicals' Victory:

At the beginning of 1939, the Minister of the Interior, Stuttaford, tried to experience a servitude scheme, in which residential areas were separated, one for Europeans and the other for coloured including Indians. That scheme would be applied if 57% of the white residents of a township wanted it. This angered the N.I.C. and shocked also the C.B. and S.I.A. These organisations held meetings to protest and passed resolutions that denounced the scheme and appealed to the intervention of the Indian government and the good will of the Union government.

Radicals in Natal were divided and did not offer other proposals; however, in the Transvaal, radicals in 1938 formed a left-wing ginger which was described by Joshi as:

> *"Sincere, youthful, and courageous, they commenced their activity… in cultivating public opinion… in offering resistance (and) standing erect with a consciousness of their cultural heritage. The forces were not organised at this stage (1938), but they were clearly making headway."*[1]

Therefore, at the mass meeting of about 1.000 people held by the T.I.C. on March 1939 to examine the scheme, Dadoo, a member of the T.I.C., suggested an amendment to the resolution which asked the T.I.C. to elect a council of action to "devise ways and means of starting a passive resistance campaign"[2] and claimed closer co-operation with non white political organisations.

Demands of progressive militant resistance and closer co-operation with the Africans and coloured people were highly desired. Before that, the moderates had tried to shun these actions. The T.I.C. officials did not want to admit that the amendment passed it. President Valod said in a press statement that it was not going to form a council of action. Dadoo insisted and pointed out that Nana, the leader of the T.I.C., wanted to resign because the amendment was equivalent to a motion of no confidence in the congress officials. However, Joshi and the *Indian Opinion* claimed that the amendment was really adopted.

[1]E. Pahad, op. cit.
[2]Ibid.

Following Valod's position, the radicals formed the nationalist bloc which had its own propaganda campaigns and held several meetings to win people's support. In May 1939, the government introduced the Asiatic Land and Trading Bill and the Feetham resolution was postponed, trying to calm down the situation since the scheme could not pass because of the outcry and protests of the Indians and coloured community and the South African Communist Party (S.A.C.P.)

T.I.C. and S.A.I.C. were not in a good shape, the nationalist bloc called for passive resistance at a meeting on 7 May 1939. The adopted resolution stated:

> *"Upon resorting to passive resistance as the only means at our disposal to register our protest by self-suffering and… appoints…a council of 25, (to conduct) this struggle to its final end and discrimination."*[1]

The S.A.I.C. refused the resolution of the meeting as it was the only sovereign to lay down policies on any national issue. It condemned the bill. This attitude led the radicals to force the T.I.C. office to call for a meeting on 4th June 1939 to adopt a decision but this meeting was violently opposed by Nana who hired hooligans to fight during the meeting.

This incident had the favour of Indian opinion towards the radicals who now enjoyed the support of Indians in the Transvaal. This was shown at the 9 of July meeting and was confirmed by the agent general. The nationalist bloc took advantage on this issue and organised a mass demonstration which was attended by thousands and all businesses were closed for half a day in Johannesburg and other parts of the province. Christopher, Rustomjee and Pather convicted the Asiatic Land Tenure Act and asked people for passive resistance. Three resolutions were adopted: first, passive resistance; second, resolution on the withdrawal of the Agency; third, denouncing the moderates and expressing full confidence in the program of the nationalist bloc.

[1]Ibid.

On July 23, 1939, Kajee, in an interview with the *Natal Daily News*, criticised the passive resistance resolution saying that it was unconstitutional; he argued that it would harm the Indian cause and that the nationalist bloc could not act with the N.I.C. and the S.A.I.C's support. Nana expressed the same opinion and added that passive resistance campaign would induce bad reactions of Europeans:

> *"Any measure of success… would be an encouragement to the native people to adopt it as a weapon to seek redress of their grievances. The Union Government cannot, even if it desires to do so, make any concession to the Indians in the face of a passive struggle because of its effect on the Native people of this country."*[1]

This statement reflects exactly the political thinking of the moderate leadership which feared for its business interests and guarded a false sense of political and social superiority over the African people. The moderates were always opposed to militant resistance and tried to accommodate the authorities.

As far as the majority of the Transvaal was concerned, Kajee and Nana were very visual and the last few months had shown that radicals had popular support and that the community was willing to resist. Moreover, it seemed like Dadoo would replace Nana as a principle spokesman of the Indians in the Transvaal but external factors intervened as Mahatma Gandhi asked the radicals to look for honourable negotiations instead of resisting.

Gandhi said that "it is the code of the passive resisters to seize every opportunity of avoiding resistance if it can be done honourably."[2] The nationalist bloc obeyed him and postponed the campaign. So if we look carefully at what happened and at the radicals' decision to postpone the campaign, we see that they were mistaken, not only because they had a lot of population support but because they were in a position which enabled them to control

[1] Ibid.
[2] C. Sarma, op. cit., p.43.

the T.I.C. The postponement had the bad effect of demotivating people. Then Dadoo and other radicals involved in the war issue and the moderates consolidated their grip of the T.I.C. The radicals' loyalty to Gandhi cost them the loss of opportunity to gain control over an important party in the Indian community.

II. South African Indians in the Second World War:

When World War II broke out, Indian independence was tied to British victory, especially with the declaration of the British War Cabinet in August 1940 that "the post war constitution was to be drawn up by an Indian Constitution Assembly"[1] which meant that India surely would get its independence after the war. This was the main reason that motivated Indians to join the war on the side of Britain. The Army Council in Egypt wrote to the British Commander –in- Chief that "the British soldier is proud once again to have gained the victory side by side with his Indian brother –in- arms…"[2] This was the situation in India whereas in South Africa, the attitudes of Indians living there were slightly different.

The radicals characterised the war as an imperialist war. They took this opportunity to gain equal democratic rights for the whole population. They had left roots and since they were communists they were influenced by Lenin's ideas which said that imperialism is a new form of capitalism and that violence was an essential feature of imperialism because the great power in striving for hegemony i.e. the conquest of territory tried to weaken each other.[3]

The radicals were also influenced by Nehru's stance in the war. I. C. Meer, a member of the Liberal Society Group, said that:

> *"Nehru's message to us South African Indians made a deep impact on me…I was South African but India had great meaning for me, particularly because of the freedom struggle and the leaders of that struggle – Gandhi, Nehru and Sarojini Naidoo."*[4]

[1] B. Pachai, op. cit., p. 152.
[2] Ibid.
[3] V.I. Lenin, *Imperialism: The Highest Stage of Capitalism: A Popular Outline*, Internatinal Publishers, New York, 1939, p. 76.
[4] C. Sarma, op. cit., p. 49.

Nehru's stance on the war was tied to India's independence. He stated that "India would not enter the war until it received independence. Only a free India could decide if it should train its citizens for an upcoming war."[1] Another factor that influenced the communist radicals was the Soviet Union's neutral stance since the U.S.S.R and Germany signed a treaty of non-aggression which promised both to desist from any attack on each other, either individually or jointly with other powers.

On the other side, the moderates totally supported the Union government efforts from the start. They proclaimed their loyalty to the Empire and linked their freedom to that of Britain. At a meeting, they proposed Indian services to the war effort. This move led the radicals to form the nationalist bloc inside the N.I.A. They proposed an amendment which asked for full equality in the armed forces and extension of democratic rights to the Indians before offering their services. As a response to this challenge, the N.I.A. expelled seven radicals from the committee arguing that it was unconstitutional to form that bloc. To encourage the Indians to offer more services, one of the N.I.A. leaders said:

> *"The support you can give will be small as compared with the British Commonwealth and that of our mother country… Our freedom is depended on Britain being victorious… Above all I ask you to re-main loyal to the King and General Smuts, his government and South Africa, your land of adoption. In remaining loyal to the Crown and this Government you are remaining loyal to India and yourselves."*[2]

Dadoo, representing the views of the Non European United Front (N.E.U.F.), opposed strongly the Indians' support for the British. He was arrested for distributing anti-war leaflet which stated:

> *"We answered the call in 1914-1918. What was our reward? Misery, starvation and unemployment. Don't support this war, where the rich get richer and the poor get killed."*[3]

[1] Ibid.
[2] E. Pahad, op. cit.
[3] Ibid.

During his trial, Dadoo emphasized on his attitude and said that:

> *"The present war is an imperialist war and therefore an unjust war…to maintain and extend imperialist domination. This war could only be transferred into adjust war… when full and unfettered democratic rights are extended to the non-European peoples of this country and when the oppressed peoples of India and the coloured and semi-coloured countries are granted their freedom and independence."*[1]

Trying to win the support of the majority of Indians, the Mayor of Durban, Councillor Rupert Ellis Brown recalled the words of the president of the National Liberal Federation V. N. Chandvarkar: "We must not allow a domestic quarrel between India and Great Britain to queer the pitch for action against the common enemy of mankind. This is as much our war as Britain's."[2]

Racism towards Indians in South Africa was still alive despite the war time and despite the need of Indians' support. For example, when rumours were heard that Indians had penetrated European areas, the government tried to extend Act 28/1939 of Transvaal into Natal; however, this step was rejected by the Indians. To solve this problem, the Lawrence Committee was created in 1940 to intervene between the Indians and the government and to ensure that the war years would not make any more difficulties for the Indians in Natal. However, in spite of the committee's efforts, the government pursued its racial policy. For example, Durban City Council did not only prohibit Indians from settling in European areas but it did not even give them sites where minimum facilities and civic amenities were provided. In fact, the Lawrence Committee and the Minister of the Interior promised not to leave the Indian community in the lurch; however, Indian's hopes remained unfulfilled.

South African authorities attempted to hide their racism; however, it still appeared. It was amazing that this existed at such a time where every body was supposed to fight for democracy, what hope is there for mankind if racism is preserved in South Africa.

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[1] Ibid.
[2] B. Pachai, op. cit., p. 152.

Things started to be altered as soon as Germany violated the non-aggression treaty and invaded the Soviet Union; the radicals in South Africa changed their mind and decided to enter the war on the side of the Allies, thinking that it was not an imperialist war any more but a people's war and that it was their duty to help the Communist Soviet Union in its war against imperialism. On 28 July 1942, 88 non-European organisations met in a conference at the Cape Town to discuss resolutions on the war. Opinions were divided between supporters who argued that Fascism was a threat to Communism and had to be defeated; others still believed that it was a European war and it was of no interest to the non-Europeans. However, the entry of Japan in the war was a great challenge to the non-whites. On one side, they considered Japan as a hope to salvage and liberate the non-Europeans when it defeated the U.S.A in 1942; but on the other side, their sympathy to the Japanese contravened their principles and their non-racial approach. Speaking on behalf of Indians Dadoo said:

> *"It is a belief based on false reasoning and emotional wishful thinking. The capitalists and financiers of Japan are waging this war for their own selfish interests (in collaboration with Nazis in Europe and South Africa)… The Pirows and Van Rensbergs openly welcome Japanese victories which they would most certainly not do of the Japanese imperialists had any intention of helping the non-European peoples."*[1]

This showed the similarities of racism and Fascism all over the world. It is the same in Europe, Japan and South Africa.

At the internal level, the campaign against the policies of the moderates which greatly helped the international posture of the government chiefly against Japan and Germany was led by radicals (mainly by Dadoo). The later accused moderates of selling the rights of Indian people for a modest game of a wealthy class. Moderates felt that the main reason for anti-Indian demonstrations had its roots in the Europeans refusal to live in proximity with Indians. Indians alike would not want to live with Europeans. Consequently, this would lead

[1] E. Pahad, op. cit.

to reduction of segregation laws. As the outgoing Indian High Commissioner, Sir Rama Rau, stated:

> *"Europeans in South Africa now realized better than at the beginning of the war, racial questions would have to be considered from a different standpoint. The present Government in South Africa was very sympathetic towards the Indian problem, and the presence of Mr. Hofmeyr in the Cabinet was a guarantee that the Indian problem would not only be dealt with sympathetically but also liberally."*[1]

Since 1939, moderates tried to work things out peacefully with the Union government. Their strategy was mainly to make friendly relations with the White Union government in order to achieve equal rights. For this, Indian masses continued supporting the moderate's strategy. Moderates thought that white politicians would reform their policy in order to integrate more South African Indians; however, racism and segregation did not disappear. The Union government appointed the Indian Penetration Commission (also known as the Broome Commission) to control the penetration of Indians into European areas. According to the Commission, the term penetration was defined as Indians purchases of European owned land after 1927. It made the distinction between Indians buying European houses as investments and Indians buying houses to live in white communities. The T.I.C. and N.A.C. members wanted to boycott the commission while the moderates wanted to work with it. The commission concluded that Indians bought white properties as investment. As a whole, the Union government tolerated a small level of penetration but did not want a further one. Then, seeing the dangers of Indians penetration, the Minister of Interior, H. G. Lawrence, created a Second Broome Commission which aimed to introduce legislation to restrict Indian residential rights. The Second Commission reported the penetration of 326 cases between 1940 and 1943.[2]

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[1] B, Pachai, op. cit., p. 162 – 163.
[2] Ibid.

In April 1943, Minister Lawrence introduced the "Pegging Act" which aimed to prohibit the sale of fixed property between Europeans and Indians, and to confine Indians to segregated areas of Natal. The bill was not welcome even by some Europeans like the Minister of Finance, Jan Hofmeyr, arguing that "the act could not be justified by the available evidence."[1] In reaction to the act, petitions were sent by Indian political leaders to Natal official demanding the revocation of the act. Other petitions were sent asking the Indian government for help. Despite the fact that the act targeted wealthy Indian businessmen, Indian workers denounced and stood against it because they saw it as an insult to the whole Indian community. Workers had an ethnic reflex rather than a class consciousness. This indignation was used by both moderates and radicals as a platform for the future of Indians in South Africa.

Internationally, the Indian government had a strong reaction. The Central Legislative Assembly in New Delhi passed the Indian Reciprocity Act in March 1943 in order to carry the same discrimination and restrictions on South African Europeans in India as was done to South African Indians in South Africa. The act termed that it was possible for such Europeans to be declared undesirable elements in India, to be denied permanent residence in India, to be required to deposit £100 before entering India, to be segregated in post offices, railways, public places and to occupy seats especially reserved for them. The act was placed in the Statute Book to be enforced if and when necessary.[2] By passing such act, the relations between India and South Africa soured and racial riots were possible in both countries.

Despite all internal and external pressures, the Union government did not change its policy. On 29 March 1944, the government created the third Broome Commission to discuss Indian cases of illegal penetration. Moderates, carrying their strategy of co-operation, worked with the commission. On 19 April 1944, Kajee signed the Pretoria Agreement with the commission. The agreement was considered as another tool of segregation.[3] Moderates

[1] C. Sarma, op. cit., p. 64.
[2] B. Pachai, op. cit., p. 164.
[3] See Appendix
[4] E. Pahad, op. cit.

agreed to "meet the European attitude of mind, though unreasonable" by consenting "to a voluntary arrangement whereby machinery can be set up to control and regulate future juxtapositional residential occupation of Europeans and Indians."[1] The machinery was to be a board that would check the purposes of owning properties, whether for trade and investment or for residence.

By signing the agreement, moderates were accused of accepting segregation. The agreement was criticized by Indian and African politicians. The Durban district branch of the S.A.C.P. organized a meeting in Durban on 25 April 1944 in which the agreement was described as a "shameful betrayal". The Durban branch also gathered thousands of signatures to fight the agreement. Protests were held by the N.I.C., 14 of its members denounced the agreement and called for a mass meeting to discuss resolutions on it. The agreement was a big challenge to the moderates. In justifying their position, they said that the Pegging Act would be repealed. Describing the moderates' strategy, Hancock said:

> *"Nothing so fortifying of Indian self-respect had happened in South Africa since Gandhi's departure…Kajee and their other leaders had shown imagination, moderation and tactical skill. They had made a large concession, but without surrendering a principle…they had redefined Indian politics in Natal as the art of the possible and had put them on the path of ameliorate evolution."*[2]

This shows the extreme weakness of the moderates who were accused by Dadoo of "bartering away the right of the Indian people for temporary gain in investment for an inconsiderable but wealthy class."[3]

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[1] E. Pahad, op. cit.
[2] Ibid.
[3] Ibid.

III. The Radicalisation of the Indian Political Movements:

The struggle between moderates and radicals reached its end after a period of 6 years (1939-1945). Moderates, after their failure to bring rights to South African Indians, were accused of working in favour of the whites. They were described as traitors of the Indian community mainly because they wanted to keep the Indian issue separate from that of the Black and Coloured people. In their attempt to defend their position, moderates entered the elections against radicals. However, in the election campaigns, moderates felt that their position was weaker than that of the radicals. This led fifty four officials, including V. Godfrey, A.I. Kajee, P.R. Pather, C.M. Anglia and others to resign their positions. To emphasize his decision of resignation and separation from the moderates, Godfrey said that "a large section of the Indians in Natal was dissatisfied with Congress policy and congratulated the radicals on whipping up the consciousness of the Indian people", he added that "it was due to this that they were able to take charge of affairs and do what the moderates had failed to do."[1]

Following the death of S.M. Nana in May 1944, moderates' position weakened amongst the community because Nana was their most famous spokesman. They accepted to join 18 radicals to the T.I.C. which Dadoo was elected its president in 1945. This was a victory for Transvaal radicals and led to the reconciliation between the congress and the nationalist bloc and the dissolution of the bloc. This was first, because the congress should work in a democratic manner in the interest of all sections, and shall undertake a "vigorous campaign" for the repeal of the Pegging Act and for the franchise; second, it shall not be unnecessarily influenced by the imperialist designs of the Indian government and seek closer co-operation with the national organisation of non-European peoples as well as all other progressive bodies, on common issues.[2]

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[1] Ibid.
[2] Ibid.

On 21 October 1945, the N.I.C. elected M. P. Naicker its president. In his speech, Naicker promised the A.S.C. would fight for the unconditional repeal of the Pegging Act, the end of segregation, and universal adult suffrage without even compromising or going down on bended knees for crumbles, and to use more direct methods of action such as non violent resistance to achieve these goals.[1]

On 21 January 1946, Smuts announced his idea of introducing new legislation in place of the Pegging Act. Indian reactions were raucous. The N.I.C. held a mass meeting on 3 February in Durban to protest the proposed act which was described as a fascist measure. A day of prayer on 20 February and another mass meeting was held in Durban calling for a resistance pledge to fight against discrimination until Indians gain complete freedom and full rights.

Again, moderates appeared and asked to include ten of their nominees in the the N.I.C. delegation (because some of them were still occupying positions in the S.A.I.C. and were still carrying the same policy); and once again, the division between the radicals and the moderates was raised.

The S.A.I.C. conference took place from 8 to 12 February in Cape Town in which they discussed ways to oppose the proposed legislation. Sixty delegates were sent to convince Smuts to repeal the legislation but he refused to do so. By his refusal, the delegates saw the need of passive resistance. The conference passed a resolution which promised that the S.A.I.C. would "prepare the Indian people for a concerted and prolonged resistance, the retails of which this Conference instructs its executive to prepare for submission and action to its constituent bodies."[2]

Briefly speaking, we can say that the conference was a success for the radicals on the grounds that they wanted a prolonged resistance from the beginning.

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[1] C. Sarma, op. cit, p. 71.
[2] E. Pahad, op. cit.

IV. South African Indians and the UN Charter:

After Second World War, the final draft of the United Nations' Charter was produced at San Francisco Conference. Some countries like India and the Philippines which attended the conference were not satisfied; they said that the charter lacked a strong emphasis on human rights and non-discrimination. Carlos Ramulo, the Filipino delegate, said that "the peoples of the world are on the move… Those of us who have come from the murk and mire of the battlefields know that we fought for freedom, not for one country, but for all peoples and for all the world."[1] Vijaya Lakshmi Pandit, the Indian delegate, stated that "the U.N. should promote fundamental human rights for all men and women, irrespective of race, color, or creed, in all nations with one another."[2] This declaration was not new, minority rights existed well back to 1919, ratified by the League of Nations whose charter insisted on protection against discriminatory rights on the rest of the world. However, all this remained on paper because the League failed to implement it in the 1930's and it was replaced after W.W.II by the United Nations.

When the Allies met in Dumbarton to write the UN Charter, the Chinese representative proposed that the charter would protect "the principle of equality of all states and all races"[3] but this suggestion was not suitable for the other countries such as Britain because by accepting it, they would change their policies towards colonized people.

Indian delegates drafted a non-discrimination clause which stated that the U.N. would guarantee fundamental liberties "for all men and women, irrespective of race, color, creed, in all nations and in all international relations."[4] The clause was written by Smuts. The later wrote to Jan Hofmeyr (who replaced him as prime minister) to inform him about the conference's resolutions on human rights. Smuts wrote that "a strong humanitarian tendency,

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[1] Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*, Random House, New York, 2001, p. 12.
[2] Paul Gordon Lauren, *The Evolution of International Human Rights*, University of Pennsylvania Press, Philadelphia, 2003, p. 183.
[3] C. Sarma, op. cit., p. 77.
[4] Ibid, p. 80.

finding expression in provisions for equal rights all round and other somewhat embarrassing proposals so far as we are concerned."[1]

The final version of the charter was formed on 26 June 1945. It included Smuts' preamble which "reaffirmed faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small."[2] This made Smuts apt to attacks and criticism by non-Europeans in South Africa; however, as Article 2(7) termed that "nothing contained in the present charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state."[3] Smuts was sure that U.N. would not disturb his internal policies towards Africans, Indians and other minorities in South Africa.

V. The Asiatic Land Tenure and Representation Bill:

When the "Pegging Act" expired on 31 March 1946, Smuts announced that he would replace it by another one, the "Asiatic Land Tenure and Representation Bill." It was also called the "Ghetto Act"[4] or "Act 28 of 1946". The bill was introduced on 15 March and passed in June 1946. it stated that Indians could no longer buy properties in white areas and that they could own lands only for trading goals. To soften the harshness of the bill, Smuts included some political rights for the Indians: Indian men over twenty-one years old were given some franchise rights. Indians were also permitted to elect two white senators and three white members of the House of Assembly to represent them.

The bill was criticised by various parties. The whites rejected it because it gave political rights to Indian minorities. They argued that Indians are foreigners who did not deserve representation. From his point of view, Malan said that "if the Indians with a total of 250.000 altogether in the country get three representatives in the assembly, what do you imagine will be the thought that will arise naturally in the minds of the native population?"[5]

[1] Ibid.
[2] "Charter of the United Nations", www.un.org/en/documents/charter
[3] Ibid.
[4] Indians defined a Ghetto as a special area in which a persecuted race is shut off by itself, segregated, denied the benefits of sharing in the life of the whole community and utterly degraded.
[5] G. H. Calpin, *Indians in South Africa*, Shuter and Shooter, Pietermaritzburg, 1949, p. 229.

On the other side, Hofmeyr, who wanted to resign after the "Pegging Act", supported the new bill because he saw that it was softer than the previous. He thought that giving Indians suffrage rights is a way towards political equality. His support was illustrated by this parliamentary speech in which he stated that he "now stood for the ultimate removal of the colour barrier from the constitution." He added "if the bill allowed whites to act under tyranny of prejudice and fear, we shall not save our white civilization in South Africa. We in fact then abandon those principles which make European civilization worthwhile."[1]

Colonel F.C. Stallard of the Dominion Party feared that the bill would disturb the international affairs since it violated the UN Charter; however, Smuts told him that Article 2(7) had ensured that UN could not intervene in the domestic affairs of any state, so that the Union government had the entire sovereignty and could pass any legislation.

The Leader declared:

> *"The chains are being closed around the Indian… socially and economically. The sop of representation merely confuses the real issue – a smoke screen to hide the truly suppressive and deadly nature of the Bill."*[2]

The bill caused a storm of Indian protests inside South Africa and abroad. Kajee, speaking on behalf of the moderates in the S.A.I.C, met with Smuts and asked him to repeal the bill. Kajee reminded Smuts that he was the author of the UN Charter's preamble and he should apply the principles of the charter in his country. However, this meeting was fruitless and nothing changed.

The Cape Passive Resistance Council noted:

> *"It is difficult to believe that Smuts not only wrote these words [preamble to charter], but signed the Charter on behalf of the South African government. It is difficult to understand how any sane person can reconcile such words with the Ghetto Act."*[3]

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[1] Alan Pation, *South African Tragedy: The Life and Times of Jan Hofmeyr*, Charles Scribner's Son, New York, P. 176.
[2] E. Pahad, op. cit.
[3] C. Sarma, op. cit., p. 87.

Unlike moderates, radicals protested the bill publicly. The N.I.C. held a meeting in Durban on 8 February 1946 in which the bill was described as "showing a blatant disregard for human rights and the fundamental freedoms as embodied in the Charter."[1]

This shows that radicals were trying to move the bill's debates from internal into international level. Dadoo formed with Naicker an anti-segregationist lobby to protest the bill. In Transvaal, Dadoo held meetings in which Indians chanted "down with the Ghetto Act… down with Smuts… down with compromise… long live resistance." In his essay "Facts about the Ghetto Act", Dadoo stated that the bill "condemned the Indian community to economic and social ruin… The San Francisco Charter of U.N.O. pledges member nations not only to maintain peace, but also to uphold certain social and economic principles of a democratic charter."[2]

South African Indians demanded the intervention of the Indian government. Gandhi wrote to Smuts asking him for a round-table conference to discuss the removal of the bill; however, Smuts told him that the conference would not resolve the Indian problem. Gandhi was not satisfied with Smuts' reply and said that "if Smuts adopted the bill, the South African Indians, having exhausted all constitutional means of seeking redress, should employ Satyagraha."[3]

[1] Ibid, p. 86.
[2] Yusuf Dadoo, *Facts About the Ghetto Act and a Historical Synopsis of the Indian Question*, University of Natal Press, Pietermaritzburg, 1993, p. 8-12.
[3] C. Sarma, p. 86.

VI. The Beginnings of the Passive Resistance:

Despite all the pressure that was put on Smuts to repeal the "Ghetto Act", he refused to do so and he said to Sir Evelyn Baring, High Commissioner for United Kingdom, that he "did not contemplate further negotiations with the Indian government until the bill had become law."[1] As a response, the government of India withdrew its High Commissioner, Sir Shafa'at Ahmed Khan, from South Africa. It also banned all economic transactions with South Africa. South African Indian delegates were sent to Britain, India and the United States to gain international support.

Internally, South African Indians started to prepare for a passive resistance once they realised that the bill would be passed in Parliament. Naicker declared that "the N.I.C. would launch a concerted passive resistance struggle to protest the bill". He formed with Dadoo the Passive Resistance Council (P.R.C.). The N.I.C. and the T.I.C. said that "in order to conduct the campaign effectively, they had decided to set up a Joint-Council, which would meet regularly and give general direction to the entire campaign of resistance."[2]

Dadoo described the Council as:

> *"The supreme body, which analyses each new situation and formulates policy and vital principles, is the Joint Council, composed of representatives of the Natal and Transvaal Resistance Councils. Numerous departments have been created, each entrusted with the management of a particular task. The success of these departments has been entirely due to those men and women who have come forward voluntarily to render unstinted service in the interests of their people and for the cause of freedom and justice."*[3]

[1] Palmer, op. cit., p. 136.
[2] E. Pahad, op. cit.
[3] Ibid.

The Parliament passed "The Asiatic Land Tenure Bill" on 3 June 1946. Ten days later, a "Resistance Day" was declared in which all offices, shops and factories were asked to go on strike to show their protest of the "Ghetto Act". In this context, *The Leader* noted:

> *"Thursday, June 13- that day will go down in the annals of the Indian people in this country as a national day of mourning… Durban was dead on Thursday. The Indian quarter bore an atmosphere of quietness associated with Sundays."*[1]

Dadoo said:

> *"The Indians throughout the country observed complete hartal. This was the first clear demonstration of the Indian community to carry its opposition to the inhuman Ghetto Act further than mere words."*[2]

Seventeen passive resistant entered European areas in Durban. This caused violent abuses: some whites attacked Indians and killed, an off-duty Indian policeman, Krishensamy Pillay. Indian resisters continued the demonstrations shouting "hooligans or no hooligans, carry on we must, and carry on we shall." Following those events, Gandhi described such whites' actions as "un-Christian" and asked the whites to support Indians and help them in their humanitarian issue.

In their attempt to end the campaign, the authorities arrested Naicker and Dadoo on 27 June 1946. Naicker, hoping that Smuts would change his mind and repeal the act when he saw the resistant' suffering, said that he was "not challenging Durban City Council's ownership of land" or "engendering hostility to any section of the community, but protesting the government's discriminatory laws."[3]

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[1] E. Pahad, op. cit.
[2] Ibid.
[3] C. Sarma, op. cit., p. 90.

Unlike Naicker, Dadoo was harsher in his utterances. During his trial, he attempted to internationalize the Indian issue. He stated that "Indians had peacefully carried out their struggle against this unjust, discriminatory and inhuman act which we consider derogatory to the honor and dignity of the Indian community as a whole and to the Indian nation." He added that "the act went against all the principles of justice, human decency, and democracy."[1]

Despite the arrest of resistance leaders, the campaign carried on and the resisters' number increased day after day. Once out of prison, Naicker and Dadoo organized a conference to condemn the bill. The conference adopted a manifesto of resistance in which all Indians and all democratic people were appealed to protest that bill. In the manifesto, Naicker said:

> *"Workers, businessmen, professionals and farmers, only your united action can save us! Either we perish as whole, or we resist as a whole. There is no turning back. The time has come for suffering and sacrifice. It is your duty to give the uttermost, physically, financially and morally. Any Indian, man or woman, who serves on the Advisory Board, accepts the communal franchise, or obstruct the struggle in any way whatsoever, will be guilty of an act despicable treachery against his family, the community and the principles of democracy. Fellow Indians, forward to united action! Down with the Ghetto Bill."*[2]

The call gained a large sympathy, H.I.E. Dhlomo, an African poet, stated that "justice is not Indian, and neither is freedom Indian. We want all people to be free. The young people in the A.N.C. support the struggle of the Indians." In addition, a member of the A.P.O., L. A. Smith declared that:

> *"It is essential for all Indians, Africans and Coloured to realise that they are all men like Europeans. It is necessary that we collaborate in our struggle. Your motto should now be not one step back."*[3]

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[1] Ibid.
[2] E. Pahad, op. cit.
[3] Ibid.

The resistance campaign started to influence non-Indians. About 50.000 African mine workers went on strike asking for better working conditions and high wages. The government carried its same treatment: workers were beaten and forced to go back to work violently. Indian leaders set up alliances with Africans, A. B. Xuma, president general of the A.N.C., said that "Africans do not only sympathize but will support and assist in all possible manners the Indians in their struggle against the inhuman legislation."[1]

The campaign also influenced many whites chiefly religious men, among them Anglican Priest Michael Scott who founded in 1944 "the Campaign for Right and Justice." Scott tried to convince white leaders to treat all races with equality in order to apply Christian principles. He said that "if the government rescinded the Ghetto Act, it would show the world the way to a more cooperative civilization and to a more harmonious development for the respective races now inhabiting the country."[2]

Trying to urge the U.N. to intervene, President Nehru, after the independence of India in 1946, said in a speech that "while India hoped to continue friendly Commonwealth relationships, the Union government had to end its discriminatory practices if it wanted to avoid vast conflict with Indians."[3]

South African Indians applied Gandhi's Satyagraha again although the intents were different. Gandhi's beliefs were focused on the "suffering for a sacred cause", he declared that "Satyagrahis need to follow a religion because Satyagraha relies on humility and requires individuals to approach him with a humble and contrite heart."[4] However, radicals had a different mind since they were far from religion and they realized that they did not have enough resources to enter a militant protest. Dadoo said that "after Gandhiji went back to India, there arose another great revolutionary fighter, Pandit Nehru, whose broad views on politics attracted young people at the time. I believed in the policy of Nehru who also did not believe completely or implicitly in absolute non-violence."[5]

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[1] E.S. Reddy, "Dr Xuma Supports Passive Resisters," Passive Resistance 1946: A Selection of Documents, 249.
http://www.sahistory.org.za/archive/indian-passive-resistance-south-africa-1946-1948-es-reddy
[2] C. Sarma, op. cit., p. 94.
[3] B. Pachai, op. cit., p. 195.
[4] C. Sarma, op. cit., p. 96.

Unlike Dadoo, Naicker supported Gandhi's principles definitely. He thought that resisters' suffering could change Europeans and mainly Smuts' mind. However, the majority of resisters believed that the solution for such problem is not by asking the sympathy of the whites but by pressuring them by the U.N.

While radical Indians were organizing to raise their issue to the U.N. meeting; moderates, trying to resolve the problem domestically, sent Kajee to meet Smuts and convince him to hold a round-table conference to make Indians retracting their complaint. Smuts put a condition saying that in order to agree for a conference, the government of India had to back its commercial and political relations with South Africa. Radicals refused that condition and Nehru publicly promised South African Indians "to fight in India or South Africa or international assemblies until he secured full recognition of Indians' rights and India's honor."[1]

Nehru sent a delegation, led by Vijaya Lakshmi Pandit, to raise the Indian question at the UN conference which was organized for November 1946. Dadoo considered this experience as a test for the UN truthfulness, whether it would apply its principles or not. In the General Assembly, Smuts tried to cover his racist treatment under Article 2(7) of the Charter. Fearing that this article would protect him, Pandit stated that "the South African Indian question was not only a controversy between two countries alone, but possibly a world issue… It will not be solved by unilateral insistence on some narrow concept of domestic jurisdiction." She added that "the UN's decision was open to the gaze not only of those who are gathered here, but to millions… [of] people in all countries, more particularly non-European peoples."[2]

[1] Ibid, p. 100.
[2] Ibid, p. 103.

Pandit also said that "the suffering, frustration and violation of human dignity… must be one of the prime concerns of this parliament of the world's people."[1] As a response to her blames, Smuts said that the UN intervention could be only when a government had impaired the general welfare or friendly relations among nations and it may also intervene if a government had violated the human rights and fundamental freedoms of an individual or group of people. However, the Charter lacked an internationally recognized formulation for these rights; therefore, it could not rule in this case."[2]

Debates between Smuts and Pandit ended by the UN adoption of the Franco-Mexican resolution which noted that "the treatment of Indians in the Union of South Africa should be in conformity with the international obligations under the agreements concluded between the two governments and the relevant provisions of the United Nations Charter."[3]

The resolution shows the victory of Pandit's position although it was opposed by Britain and the United States, most of African and Asian nations voted in favour of the proposed resolution. Smuts was not convinced that he had failed to defend his opinion. He told Pandit "you have won a hollow victory. This vote will put me out of power in our next elections, but you will have gained nothing."[4] Smuts said that because he was sure that the white racist South Africans would never implement the resolution and would never give equality to Indians.

To sum up, one can say that the period 1939-1946 witnessed a big change in the path of the Indian movement. First, by the victory of the radicals who became the power that controlled the Indian community. Then, the Second World War and the U.N. which contributed in delivering the voice of the Indian question abroad. This made the Indian question an international issue that deserved to be taken into consideration. However, despite the intervention of the internal and external powers, they could not put an end to racism towards the South African Indians.

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[1] Ibid.
[2] Ibid, p. 104.
[3] "Resoution 44 (I) Adopted by the United General Assembly" in Passive Resistance. http://www.sahistory.org.za/archive/reports-passive-resistance-councils-natal-and-transvaal-1947-1948
[4] Vijaya Lakshmi Pandit, *The Scope of Happiness: A Personal Memoir*, Crown Publishers, New York, 1979, p. 211.

CONCLUSION :

The fate of Indian South Africans is a stigma in the South African history. Indians had vanquished many challenges. They had to face servitude, hard labour and cruelty, which were followed by discrimination and oppression. Then they had to fight against racial problems and pressure.

From that humble beginning, Indians succeeded to become a power that put a significant and remarkable point on South Africa. Since their arrival, they played an important role economically, socially and politically as well.

The preamble of the South African Constitution proclaims that "we, the people of South Africa, believe that South Africa belongs to all who live in it, united in our diversity."[1] However, such statement could not secure South African Indian from the racist policy applied by the Union government.

In spite of describing them as "strangers, forcing themselves upon a community reluctant to receive them," and a "foreign and outlandish element which is inassimilable,"[2] Indians continued to consider themselves as South African citizens and they fought against all kinds of discrimination imposed on them. They were not completely "dogs without mouths", they knew that they could build their future in South Africa and that they were able to succeed, as a South African Indian stated:

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[1] South African Constitution. http://www.info.gov.za/documents/constitution/1996/96preamble.htm
[2] C. Bates, op. cit., p. 189.

CONCLUSION :

> *"We know we are hated, that the European prefers the African to us, that he thinks the African honest, faithful, courteous, uncompetitive- the sort of inferior he always likes… We know he finds the Indian mysterious and cunning, full of Oriental stratagems, not at all, like the African, easy and lovable."*[1]

We cannot talk about the history of Indians in South Africa without mentioning Mahatma Gandhi. He had a great impact on the political movements as he opened a space for political awareness among the Indian community. Through his guidance, Indians could participate in the South African political life as never before.

Indians were seeking for a solution by any means. Once they realized that their issue would never be solved domestically, they internationalized it. They used the UN Charter in a manner that the organization's founders could neither imagine nor expect. However, they could not change their situation ultimately.

South African Indians often seemed to be victims of oppression. However, to be fair in the analysis of the Indian issue in South Africa, there are some questions that we should ask: are there any other states where Indians were treated better than they were treated in South Africa? And since Indians were complaining about the unbearable treatment and racism of the South African government, so why did Indians who came to South Africa as indentured labourers stay there at the expiration of their contracts? Why were not they willing to go back to India? Questions deserve to be answered.

[1] Ibid.

APPENDIXES:

The Smuts-Gandhi Agreement

The following correspondence between Mr. Gandhi and General Smuts, in confirmation of a series of interviews, constitutes a perfect understanding between the Government and the Indian community in regard to those administrative matters which do not come under the Indians' Relief Bill:

Department of Interior,
Cape Town, Cape of Good Hope,
30th June, 1914.

Dear Mr. Gandhi,

Adverting to the discussions you have lately had with General Smuts on the subject of the position of the Indian community in the Union, at the first of which you expressed yourself as satisfied with the provisions of the Indians' Relief Bill and accepted it as a definite settlement of the points, which required legislative action, at issue between that community and the Government; and at the second of which you submitted for the consideration of the Government a list of other matters requiring administrative action, over and above those specifically dealt with in that Bill; I am desired by General Smuts to state with reference to those matters that:

1. He sees no difficulty in arranging that the Protector of Indian Immigrants in Natal will in future issue to every Indian, who is subject to the provisions of Natal Act 17 of 1895, on completion of his period of indenture, or re-indenture, a certificate of discharge, free of charge, similar in form to that issued under the provisions of Section 106 of Natal Law No. 25 of 1891.
2. On the question of allowing existing plural wives and the children of such wives to join their husband (or fathers) in South Africa, no difficulty will be raised by the Government if, on enquiry, it is found, as you stated, that the number is a very limited one.
3. In administering the provisions of Section (4) (1) (*a*) of the Union Immigrants' Regulation Act, No. 22 of 1913, the practice hitherto existing at the Cape will be continued in respect of South African-born Indians who seek to enter the Cape Province, so long as the movement of such persons to that Province assumes no greater dimensions than has been the case in

the past; the Government, however, reserves the right, as soon as the number of such entrants sensibly increases, to apply the provisions of the Immigration Act.

4. In the case of the 'specially exempted educated entrants into the Union' (i.e., the limited number who will be allowed by the Government to enter the Union each year for some purpose connected with the general welfare of the Indian community), the declarations to be made by such persons will not be required at Provincial borders, as the general declarations which are made in terms of Section 19 of the Immigrants' Regulation Act at the port of entry are sufficient.

5. Those Indians who have been admitted within the last three years, either to the Cape Province or Natal, after passing the education tests imposed by the Immigration Laws which were in force therein prior to the coming into effect of Act 22 of 1913, but who, by reason of the wording of Section 30 thereof, are not yet regarded as being “domiciled” in the sense in which that term is defined in the Section in question, shall, in the event of their… absenting themselves temporarily from the Province in which they are lawfully resident, be treated, on their return, as if the term “domicile” as so defined did apply to them.

6. He will submit to the Minister of Justice the cases of those persons who have been in the past convicted of 'bona fide passive resistance offences' (a term which is mutually understood) and that he anticipates no objection on Mr. De Wet's part to the suggestion that convictions for such offence will not be used by the Government against such persons in the future.

7. A document will be issued to every 'specially exempted educated entrant' who is passed by the Immigration Officers under the instructions of the Minister issued under Section 25 of Act No. 22 of 1913.

8. All the recommendations of the Indian Grievances Commission enumerated at the conclusion of their Report, which remain over and above the points dealt with in the Indians' Relief Bill will be adopted by the Government;

and subject to the stipulation contained in the last paragraph of this letter the necessary further action in regard to those matters will be issued without delay.

With regard to the administration of existing laws, the Minister desires me to say that it always has been and will continue to be the desire of the Government to see that they are administered in a just manner and with due regard to vested rights.

In conclusion, General Smuts desires me to say that it is, of course, understood, and he wishes no doubt on the subject to remain, that the placing of the Indians' Relief Bill on the Statute Book of the Union, coupled with the fulfilment of the assurances he is giving in this letter in regard to the other matters referred to herein, touched upon at the recent interviews, will constitute a complete and final settlement of the controversy which has unfortunately existed for so long, and will be unreservedly accepted as such by the Indian community.

I am, etc., (Sgd.) E. M. Gorges.

M. K. Gandhi Esq.,
7, Buitencingel,
CAPE TOWN.

7, Buitencingel,
Capetown,
30th June, 1914.

Dear Mr. Gorges,

I beg to acknowledge receipt of your letter of even date herewith setting forth the substance of the interview that General Smuts was pleased, notwithstanding many other pressing calls upon his time, to grant me on Saturday last. I feel deeply grateful for the patience and courtesy which the Minister showed during the discussion of the several points submitted by me.

The passing of the Indians' Relief Bill and this correspondence finally closes the Passive Resistance struggle which commenced in the September of 1906 and which to the Indian community cost much physical suffering and pecuniary loss and to the Government much anxious thought and consideration.

Resistance struggle which commenced in the September of 1906 and which to the Indian community cost much physical suffering and pecuniary loss and to the Government much anxious thought and consideration.

As the Minister is aware, some of my countrymen have wished me to go further. They are dissatisfied that the trade licences laws of the different Provinces, the Transvaal Gold Law,

the Transvaal Townships Act, the Transvaal Law 3 of 1885 have not been altered so as to give them full rights of residence, trade and ownership of land. Some of them are dissatisfied that full inter-provincial migration is not permitted, and some are dissatisfied that...on the marriage question the Relief Bill goes no further than it does. They have asked me that all the above matters might be included in the Passive Resistance struggle; I have been unable to comply with their wishes. Whilst, therefore, they have not been included in the programme of Passive Resistance, it will not be denied that some day or other these matters will require further and sympathetic consideration by the Government. Complete satisfaction cannot be expected until full civic rights have been conceded to the resident Indian population.

I have told my countrymen that they will have to exercise patience and by all honourable means at their disposal educate public opinion so as to enable the Government of the day to go further than the present correspondence does. I shall hope that when the Europeans of South Africa fully appreciate the fact that now, as the importation of indentured labour from India is prohibited and as the Immigrants' Regulation Act of last year has in practice all but stopped further free Indian immigration and that my countrymen do not aspire to any political ambition, they, the Europeans, will see the justice and, indeed, the necessity of my countrymen being granted the rights I have just referred to.

Meanwhile, if the generous spirit that the Government have applied to the treatment of the problem during the past few months continues to be applied, as promised in your letter, in the administration of the existing laws, I am quite certain that the Indian community throughout the Union will be able to enjoy some measure of peace and never be a source of trouble to the Government.

I am,
Yours faithfully,
(sgd.) M. K. Gandhi."

E. M. Gorges Esq.,
Department of Interior,
Capetown. (UN Document A/68/Add 1, 14th November, 1946.)

Cape Town Agreement, 1927

(Announcement made simultaneously, in India and South Africa on 21st February 1927, of the terms of the Cape Town Agreement, 1927.)

1."It was announced in April, 1926, that the Government of India and the Government of the Union of South Africa had agreed to hold a Round Table Conference to explore all possible methods of settling the Indian question in the Union in a manner which would safeguard the maintenance of western standards of life in South Africa by just and legitimate means. The Conference assembled at Cape Town on December 17th and its session finished on January 12th. There was, in these meetings, a full and frank exchange of views which has resulted in a truer appreciation of mutual difficulties and a united understanding to co-operate in the solution of a common problem in a spirit of friendliness and good-will.

Both Governments re-affirm their recognition of the right of South Africa to use all just and legitimate means for the maintenance of western standards of life.

2.The Union Government recognises that Indians domiciled in the Union who are

4.For those Indians in the Union who may desire to avail themselves of it, the Union Government will organise a scheme of assisted emigration to India or other countries where western standards are not required. Union domicile will be lost after 3 years' continuous absence from the Union, in agreement with the proposed revision of the law relating to domicile which will be of general application. Emigrants under the assisted emigration scheme who desire to return to the Union within the 3 years will only be allowed to do so on refund to the Union Government of the cost of the assistance received by them.

5.The Government of India recognise their obligation to look after such emigrants on their arrival in India.

6.The admission into the Union of the wives and minor children of Indians permanently domiciled in the Union will be regulated by paragraph 3 of Resolution XXI of the Imperial Conference of 1918.

7.In the expectation that the difficulties with which the Union has been confronted will be materially lessened by the agreement now happily reached between the two Governments, and in order that the agreement may come into operation under the most favourable auspices and have a fair trial, the Government of the Union of South Africa have decided not to proceed further with the Areas Reservation and Immigration and Registration (Further Provision) Bill.

8.The two Governments have agreed to watch the working of the agreement now reached and to exchange views from time to time as to any changes that experience may suggest.

9.The Government of the Union of South Africa has requested the Government of India to appoint an agent in order to secure continuous and effective co-operation between the two Governments."

Annexure containing summary of the conclusions reached by the Round Table Conference on the Indian question in South Africa, 1927.

Scheme of assisted emigration :

1.Any Indian of 16 years or over may avail himself of the scheme. In case of a family, the decision of the father will bind the wife and minor children under 16 years.

2.Each person of 16 years of age or over will receive a bonus of £20 and each child under that age a sum of £10. No maximum shall be fixed for a family. A decrepit adult who is unable to earn his living by reason of a physical disability may, at the discretion of the Union authorities, receive a pension in lieu of or in addition to the bonus. The pension will be paid through some convenient official agency in India out of a fund provided by the Union Government to such amount as they may determine. It is expected that the amount required will not exceed £500 per annum in all.

In every case the bonus will be payable in India on arrival at destination or afterwards, through some banking institution of repute.

3.Free passage, including railway fares to port of embarkation in South Africa and from port of landing in India to destination inland, will also be provided.

4.Emigrants will travel to India via Bombay as well as via Madras. Emigrants landing at Bombay will be sent direct from the ship to their destination at the expense of the Union Government.

Survey and certification of ships will be strictly supervised and conditions on the voyage, especially in respect of sanitary arrangements, feeding and medical attendance, improved.

5.Before a batch of emigrants leaves the Union, information will be sent to some designated authority in India at least one month in advance giving (a) a list of intending emigrants and their families, (b) their occupation in South Africa and the occupation or employment which they would require in India, and (c) the amount of cash and other resources which each possesses. On arrival in India emigrants will be (i) advised, and so far as possible, protected against squandering their cash or losing it to adventurers, and (ii) helped, as far as possible, to settle in occupations for which they are best suited by their aptitude or their resources. Any emigrant wishing to participate in emigration schemes authorised by the Government of India will be given the same facilities in India as Indian nationals.

6. An assisted emigrant wishing to return to the Union will be allowed to do so within three years from the date of departure from South Africa. As condition precedent to re-entry, an emigrant shall refund in full to some recognized authority in India the bonus and cost of passage including railway fares received on his own behalf and if he has a family, on behalf of his family. A pro rata reduction will, however, be made (i) in respect of a member of the family who dies in the interim or a daughter who marries in India and does not return, and (ii) in other cases of unforeseen hardship, at the discretion of the Minister.
7. After expiry of three years Union domicile will be lost in agreement with the proposed revision of the law relating to domicile which will be of general application. The period of three years will run from the date of departure from a port in the Union and expire on the last day of the third year. But to prevent the abuse of the bonus and free passage by persons who wish to pay temporary visits to India or elsewhere no person availing himself of the benefits of the scheme will be allowed to come back to the Union within less than one year from the date of his departure. For purposes of re-entry within the time limit of three years, the unity of the family group shall be recognised though in cases of unforeseen hardship the Minister of the Interior may allow one or more members of the family to stay behind. A son who goes with the family as a minor, attains majority outside the Union, marries there and has issue will be allowed to return to South Africa, but only if he comes with the rest of his father's family. In such cases he will be allowed to bring his wife and child or children with him. But a daughter who marries outside the Union will acquire the domicile of her husband and will not be admitted into the Union unless her husband is himself domiciled in the Union.

Entry of wives and minor children:

To give effect to paragraph 3 of the Reciprocity Resolution of the Imperial Conference of 1918 which intended that an Indian should be enabled to live a happy family life in the country in which he is domiciled, the entry of wives and children shall be governed by the following principles:

A. The Government of India should certify that each individual, for whom a right of entry is claimed, is the lawful wife or child, as the case may be, of the person who makes the claim.
B. Minor children should not be permitted to enter the Union unless accompanied by the mother, if alive, provided that
   I. the mother is not already resident in the Union, and

II.the Minister may, in special cases, permit the entry of such children unaccompanied by their mother.

C.In the event of divorce no other wife should be permitted to enter the Union unless proof of such divorce to the satisfaction of the Minister has been submitted.

D.The definition of wife and child as given in the Indian Relief Act (No. 22 of 1914) shall remain in force.

Upliftment of Indian community :

1.The Union Government firmly believe in and adhere to the principle that it is the duty of every civilised Government to devise ways and means to take all possible steps for the uplifting of every section of their permanent population to the full extent of their capacity and opportunities, and accept the view that in the provision of educational and other facilities the considerable number of Indians who remain part of the permanent population should not be allowed to lag behind other sections of the people.

2.It is difficult for the Union Government to take action, which is considerably in advance of public opinion, or to ignore difficulties arising out of the constitutional system of the Union under which the functions of Government are distributed between the Central Executive and the Provincial and minor local authorities. But the Union Government are willing:

A.in view of the admittedly grave situation in respect of Indian education in Natal, to advise the provincial administration to appoint a provincial commission of inquiry and to obtain the assistance of an educational expert from the Government of India for the purpose of such inquiry;

B.to consider sympathetically the question of improving facilities for higher education by providing suitable hostel accommodation at the South African Native College at Fort Hare and otherwise improving the attractiveness of the institution for Indians;

C.to take special steps under the Public Health Act for an investigation into sanitary and housing conditions in and around Durban which will include the question of --

I. the appointment of advisory committees of representative Indians; and

II. the limitation of the sale of municipal land subject to restrictive conditions.

3.The principal underlying the Industrial Conciliation Act (No. 11 of 1924) and the Wages Act (No. 27 of 1925) which enables all employees including Indians to take their places on the basis of equal pay for equal work will be adhered to.

4.When the time for the revision of the existing trade licensing laws arrives, the Union Government will give all due consideration to the suggestions made by the Government of India Delegation that the discretionary powers of local authorities might reasonably be limited in the following ways:

A.The grounds on which a licence may be refused should be laid down by statute.

B.The reasons for which a licence is refused should be recorded.

C.There should be a right of appeal in cases of first applications and transfers, as well as in cases of renewals, to the courts or to some other impartial tribunal.

Appointment of Agent:

If the Government of the Union of South Africa make representations to the Government of India to appoint an agent in the Union in order to secure continuous and effective co-operation between the two Governments the Government of India will be willing to consider such a request."(Government of India, *Papers Relating to the Second Round Table Conference*, 1932, *Appendix I.*)

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