

**THE COLONIAL-BORN AND SETTLERS' INDIAN  
ASSOCIATION AND NATAL INDIAN POLITICS 1933-1939**

**by**

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## ABSTRACT

This thesis seeks to examine Indian political development in South Africa during the period 1933-1939, with specific reference to the emergence of the Colonial-Born and Settlers' Indian Association and its influence on the course of Natal Indian politics. The primary aim of the thesis is to examine the role played by this Association in obstructing the Union government's assisted emigration plans and colonisation scheme. To achieve this aim it was necessary to examine the establishment of the Association and to determine whether the Association fulfilled its main objective.

After a brief exposition of early Indian immigration, the activities of the successive Agent-Generals are examined in the context of their relationship with the Natal Indian Congress (NIC) and the Association and how these diplomats articulated the aspirations of their government. The Agency attempted to secure improvements in the socio-economic position of the South African Indian community. In terms of various directives from the Indian government it was clear that they emphasised the value of negotiations and compromise and aggressively suppressed the strategies of those who opposed this approach. This attitude surfaced particularly in its relationship with the Association relative to the Association's stance on the colonisation issue. Notwithstanding the disabilities experienced by the Association in its fight for the equal status of its supporters and for the right to remain in South Africa, the Association is seen to have succeeded in the realisation of its fundamental objective.

The thesis also seeks to establish that there was a need for the creation of the Association and later after it had served its function the need for its dissolution. In this process the author also deals with the general activities of the Association and the crucial negotiations conducted with the Congress to the point of amalgamation in 1939 when the Association and the NIC amalgamated to form the Natal Indian Association. The significant influence of the Agency in the process of negotiations is emphasised.

There are three main themes in this study. The first reflects the manner in which the moderate leadership articulated the aspirations of their supporters. Secondly, it demonstrates the internal differences, sectionalism and the class struggles within the Indian organisations. The third theme seeks to reveal the often devious roles played by the respective governments, their intransigence, connivance and particularly the apathy of the government of India.

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## ABBREVIATIONS

BNS	Department of Interior
CAD	Central Archives Depot
CBIA	Colonial-Born Indian Association
CB&SIA	Colonial-Born and Settlers' Indian Association
CIC	Cape Indian Congress
DAL	Don Africana Library
GG	Governor-General
GN	Government Notice
HEN	Department of Commerce and Industry
KCL	Killie Campbell Library Collection
LA	Legislative Assembly
NAD	Natal Archives Depot
NIA	Natal Indian Association
NIC	Natal Indian Congress
SAIC	South African Indian Congress
SAIF	South African Indian Federation
SD	Selected Documents
TBIA	Transvaal British Indian Association
TIC	Transvaal Indian Congress
TICA	Transvaal Indian Commercial Association
UN	University of Natal
URU	Executive Council
VME	Department of Transport

This thesis is dedicated to my wife,  
Rameka and my sons, Nishaan and Shalen.

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I benefited in particular from the insights of Professor Philip Warhurst and I would like to thank him for agreeing to supervise this thesis. To Mrs. Barbara Warhurst a special word of thanks for her hospitality.

## INTRODUCTION

This study has been undertaken to try to fill the gap which exists because of the lack of published material on the organisation known as the Colonial-Born and Settlers' Indian Association (hereinafter referred to as the Association). The purpose of the thesis is to describe and analyse the reasons for the founding of the Association and to follow and analyse in a structural-functional way the development of the organisation from its inception in 1933 until the end of 1939 when it amalgamated with the Natal Indian Congress to form the Natal Indian Association. The objectives of the study were hampered by the lack of primary material. The newspapers of the period provided the necessary chronology of events and served to highlight the controversies that divided the Indians in South Africa.

The reports of the numerous commissions<sup>1</sup> and a select committee<sup>2</sup> concerned with aspects of Indian life have been published, including in many cases the evidence submitted. These reports proved to be very useful in evaluating the general reaction of the government to the grievances of the Indian community. In addition, various studies on Indians in South Africa assisted in filling the gap between newspaper reports and the limited relevant archival resources.

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1. Union of South Africa, UG4, *Report of the Asiatic Inquiry Commission*, 1921; Union of South Africa, UG46, *Report of the Provincial Finance Commission*, 1934; Union of South Africa, UG37, *Report of the Industrial Legislation Commission*, 1935; *Province of Natal-Report of the Education Commission*, 1937; Union of South Africa, UG7, *Report of the Transvaal Asiatic Land Tenure Act Commission*, 1934; Union of South Africa, UG23, *Report of the Indian Colonisation Inquiry Committee*, 1934.

2. Union of South Africa, SC 11-37, *Select Committee on the subject of the Provincial Legislation Powers Extension Bill and the Transvaal Asiatic Land Bill*, 1937.

These include research by Pahad<sup>3</sup> Thompson<sup>4</sup> Choonoo<sup>5</sup> Pachai<sup>6</sup> and Mesthrie.<sup>7</sup> The thesis presented by Pahad<sup>8</sup> was extremely valuable in that it was based primarily on the vast archival resources available in India. Pahad's study of the development of Indian political movements in South Africa does point to the relevance of the Association as a counter movement to Congress and the importance and influence of the Agency in the political history of the Indians in South Africa. The author had been influenced by Pahad's work in selecting the Association for this study. Pahad expressed the hope that his thesis would encourage other South Africans of Indian origin to pursue the research. Pahad claimed that "The field is wide open, especially relating to analytical studies..."<sup>9</sup> Mesthrie's thesis was also valuable in that it was also based primarily on the vast archival resources available in India. Mesthrie's study<sup>10</sup> of the role of the Agency establishes the reasons why the government of India

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3. E.Pahad, 'The Development of Indian Political Movements in South Africa, 1924-1946' (Unpublished Ph.D., University of Sussex, 1972)

4. L.M.Thompson, 'Indian Immigration into Natal, (1860-1872)' *Archive Year Book for South African History*, 1952, Vol. 11.

5. A.G.Choonoo, 'Indentured Indian Immigration into Natal, 1860-1911, with Particular Reference to its Role in the Development of the Natal Sugar Industry' (M.A., University of Natal, Durban, 1967)

6. B.Pachai, *The Emergence of the Question of the South African Indian as an International Issue, 1860-1961* (Cape Town, 1971).

7. U.S.Mesthrie, 'From Sastri to Deshmukh: A Study of the Role of the Government of India's Representatives in South Africa, 1927 to 1946' (Ph.D., University of Natal, Durban, 1987)

8. Pahad, 'Indian Political Movements'.

9. Ibid., p.6.

10. Mesthrie, 'From Sastri to Desmukh'.



made representations on behalf of the South African Indians. It contributes to an understanding of the Indian middle class in South Africa. Swan's doctoral thesis on Gandhi<sup>11</sup> questions the orthodox view of Gandhi as a leader of the South African Indians, points out that the constituency which Gandhi represented consisted of the highest strata in the Indian community, and explains how and why, for a very short period, Gandhi identified himself with the struggle of the mass of the Indian people, the indentured labourers.

Gandhi's correspondence, articles and documents drafted by him while he was in South Africa and which were subsequently published also contain a wealth of information.<sup>12</sup> In researching the activities of the Association the *Indian Opinion*, being the mouthpiece of the Association during the period 1933-1939 proved to be extremely useful. The *Indian Opinion* recorded matters of concern to Indians, and a close study of its columns over this period has proved most rewarding. The White newspapers<sup>13</sup> paid little or no attention to matters concerning Indians and proved to be inadequate in this study. Newspaper ethnicity was dominant, a fact which is appreciated against the background of the rate of literacy, subscription and the pure economics of the problem as Indians represented less than three per cent of the total population. *Indian Views* on the contrary, despite being an Indian newspaper, did not carry much information on the Association, but nevertheless proved to be a good source in providing an opposition viewpoint. Calpin<sup>14</sup> and Palmer<sup>15</sup> who do discuss the politics of Indians between the period researched, make only the slightest reference to the activities of the Association. The work of Joshi<sup>16</sup>, has been

11. M.Swan, *Gandhi : The South African Experience* (Johannesburg, 1985)

12. S.Narayan (ed.), *The Selected Works of Mahatma Gandhi*. Vol.1, (Ahmedabad, Navajivan, 1968).

13. *The Star; Natal Advertiser; Natal Mercury; Daily Tribune*.

14. G.H.Calpin, *Indians in South Africa*, (Pietermaritzburg, 1949)

15. M.Palmer, *The History of Indians in Natal*, Natal Regional Survey, Vol.10 (Cape Town, 1957).

16. P.S.Joshi, *The Tyranny of Colour : A Study of the Indian Problem in South Africa* (Durban, 1942).

of more direct relevance to this study. Joshi as a participant observer provides some critical comment of the political development and the role of the colonial-born Indian during the period. His work is based primarily on newspaper reports and parliamentary debates.

A thorough study of the records held in the Central Archive Depot in Pretoria revealed very limited information on Indian political movements during the abovementioned period. This information mainly concerns the organisations recognised by the governments of India and South Africa viz. the South African Indian Congress and the Natal Indian Congress. The Association which enjoyed very limited *de facto* recognition was virtually ignored by the authorities and consequently limited archival material exists on the Association. This was expected in view of the controversial reasons for the founding of the Association, viz. its opposition to the Indian Colonisation Inquiry Committee. In addition to examining records at the Natal and Central Archive Depots the author also contacted Albert Christopher's son, who is a prominent attorney in Durban and Mr. I.C. Meer, who is a prominent attorney and renowned politician and historian, in an attempt to access further primary research material on the Association.

The dynamic evolution of the Association as a force in Indian politics convinced me that the organisation could not be studied in isolation. I therefore tried to analyse the Association in terms of its interaction with all the other Indian organisations which had, or could have had a role to play in Indian politics of the period. In addition I had to analyse the Association in terms of its interaction with the governments of South Africa and India and more specifically the Agent-Generals of the government of India in South Africa.

During the course of time the nomenclature and categorisation of the different population groups in South Africa have undergone a number of alterations. The use of certain terminology has been found to be unacceptable. In order to be consistent throughout the work original terms have been used only in direct quotations. For the rest the terms White or Black have been used unless it was found necessary to specify further. The words "organisation" and "body" are also used when referring to the Association. Quotations from statements made by the respective organisations and leaders and others from the newspapers have been copied without any corrections. There are many errors, probably typographical mistakes, in the original statements, such as for instance the

incorrect placing of punctuation and confusion between upper and lower case letters. I decided that it would be disturbing to use the customary "<sic>" to identify an error in the text of a quotation.

In accordance with the rules of the University of Natal, I would like to state that this whole thesis, unless specifically indicated to the contrary in the text, is my own original work.

## CHAPTER 1

### EVENTS PRIOR TO THE FORMATION OF THE COLONIAL BORN AND SETTLERS' INDIAN ASSOCIATION (CB&SIA) (1860 - 1933)

HISTORICAL BACKGROUND; MAHATMA GANDHI'S ROLE 1894-1914; FROM THE SMUTS-GANDHI AGREEMENT TO THE FIRST CAPE TOWN AGREEMENT 1914-1927; EVENTS LEADING UP TO THE SECOND AGREEMENT AND THE COLONISATION SCHEME 1927-1932; THE INDIAN COLONISATION INQUIRY COMMITTEE AND THE SPLIT BETWEEN THE COLONIAL-BORN INDIANS AND CONGRESS.

## HISTORICAL BACKGROUND

Natal, which had been annexed by Britain in 1842 as a dependency of the Cape Colony, attained Crown Colony status in 1856. In the early days of the young Colony great difficulty was experienced by planters and others on the coast in obtaining an adequate and reliable supply of labour, principally for the cultivation of sugar cane. Notwithstanding the large Black population then in the Colony this labour was found for various reasons to be unsuitable. Consequently not only the sugar industry but every other industry on the Natal coast was in jeopardy of being abandoned altogether unless some means were devised to ensure the flow of labour required to assist in the cultivation of the land.

Eventually the labour question became so serious that several of the planters and others who had invested large amounts of capital in sugar and other products were compelled to lay the matter before the government of Natal with a view to the introduction of Indian labour.<sup>1</sup> The first attempt by the Natal government to fulfil the needs of the planters received a negative response from the government of India.<sup>2</sup> This response did not deter the Natal government and further correspondence was despatched appealing to the government of India to reconsider its decision.<sup>3</sup> Between this communication and the approval of the scheme, numerous reports were considered and negotiations conducted by and between the government of India, Natal Colony, East India Company, the India Board and the Land and Emigration Commissioners in India. Consequently three laws were passed by the Natal Legislative Council in 1859 dealing with Indian labour immigration. The most important of these was law 14 of 1859 con-

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1. Thompson, 'Indian Immigration', Appendix A, p.159.

2. NAD, SD 5, 1857, Secretary of the Government of India - Colonial Secretary of Natal, n.d.

3. NAD, SD 9, 1858, Further correspondence relating to the Introduction of Coolies, J.Scott - H. Labouchere, 6 August 1857.

cerning the introduction of labourers from India to Natal.<sup>4</sup> Despite a great deal of delay in finalizing wages to be paid to the indentured labourers, Act 33 of 1860 was finally given the Governor-General's assent on 24 July 1860.<sup>5</sup> The first group of Indian labourers under the provisions of Act 33 of 1860 arrived at Natal on 16 November 1860. This marked the beginning of a new era in the politics of South Africa. To a country that was already faced with a complex racial problem a new element had thus been added. There are few who could deny that it was a very unfortunate and short-sighted policy to encourage Indian immigration.<sup>6</sup> With the perspective of a politician writing two generations later, Hofmeyr is able to place this view in the context of the tension which existed between the English and Dutch and the difficulties in the co-existence of White and Black people. To add to the tension and difficulties the introduction of Indians who came in with a rich culture and strong eastern civilisation, a people who were industrious, with a low standard of living and from the lowest classes of an overpopulated country, would be perceived as a misfortune for South Africa.<sup>7</sup> The fact that the Indian was responsible for the transformation of the coast into a garden colony had to subsequently contribute to changing the view. However the long agitation for labour by the colonists, especially the sugar planters, had been realized. The predictions of those who advocated the introduction of Indian labour were confirmed and Natal, in time, was transformed into a prosperous and flourishing colony. In spite of a general realization that this was due in part to the skill and industry of the Indian labourers, they were subjected to ill-treatment on many plantations.<sup>8</sup> It was alleged that as a result of some dissatisfaction on the

4. NAD, GN 1, 1860, Coolie Immigrants from India.

5. Thompson, 'Indian Immigration', p.35.

6. J.H. Hofmeyr, "The Problem of S.A. Indians", *Voorslag*, vol.1, no.4, 1926, p.10.

7. *Ibid.*, pp.9-19.

8. S.Bhana and J.B.Brain, *Setting Down Roots: Indian Migrants in South Africa 1860-1911*, (Johannesburg, University of Witwatersrand Press, 1990), pp.60-61.

part of the government of India about the treatment of Indians, immigration was stopped in 1865.<sup>9</sup> However, evidence points to the fact that it was principally the trade depression which was responsible for the temporary cessation of indentured immigration.<sup>10</sup> In 1871 the first group of ex-indentured Indians returned to India and voiced their dissatisfaction of the alleged ill-treatment. Consequently the Indian government refused to renew the indenture system to Natal until effective measures had been taken to ensure that this particular category of Her Majesty's subjects received full protection in Natal.<sup>11</sup> The pressure of labour shortage and the cessation of the emigration scheme by the government of India led to the appointment of a commission of enquiry to investigate the position.<sup>12</sup>

It took a great depression and the return of the first group of ex-indentured labourers to focus some attention on the alleged ill-treatment of the indentured labourer. The fact that in the normal course of events the labourer could not redress his grievances revealed that the channels of communication open to the indentured Indian labourer in Natal were limited and that it was unsafe for him to air his grievances without incurring the wrath and victimization of the authorities and employers. There was a definite need for the indentured labourers to have an organization to monitor their position and protect their interests. The commission of enquiry found that some of the complaints were justified while others were without foundation. The commission proposed numerous reforms which were incorporated into Act 12 of 1872 and led to the resumption of the indentured system of immigration in 1874.<sup>13</sup>

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9. Palmer, *History of Indians*, p.20.

10. Choonoo, 'Indentured Indian Immigration', pp.142-143; Palmer, *History of Indians*, p.20.

11. Letter from the Government of India to the Secretary of State for the Colonies, Calcutta, 10 May 1872. Quoted in Palmer, *History of Indians*, p.20.

12. I.G.Halliday, 'Natal and Indentured Indian Immigration', *South African Journal of Economics*, vol.8, March 1950, p.57.

13. *Ibid.*, p.57.

A large body of Indian labourers who did not return to India on the expiry of the contracts of indenture, and who did not re-indenture, remained in Natal and were accordingly tagged "free" Indians. This group of Indians thrived in Natal. Their method of cultivation transformed wasteland into flourishing gardens and provided the colony with a cheap supply of farm produce. As long as the Indian was servile, occupying the status of labourer, he was considered acceptable by the (white) colonists, but once he was free of his contract of indenture and had proved his potential, he posed a threat. "Indian labourers had been imported for the benefit of the Natal planters, and as long as they remain bound by indentures, subject to rigid control, and worked for their masters, there are (sic) no objections to them. But when they were free from their indentures and began to earn an independent livelihood, they were regarded as an undesirable section of the people among who they lived."<sup>14</sup> The other group who emerged in the wake of the labourer and "free" Indian was the trader, who was generally a Mohammedan from the Bombay Presidency and was commonly misnamed "Arab" in South Africa. He came primarily to supply the needs of the indentured labourer, but no sooner was he established in Natal, than he extended his dealings to include the Blacks and Whites.<sup>15</sup>

Therefore by the 1880s there were three classes of Indian people in Natal:

- (a) those who were under indenture;
- (b) the ex-indentured "free" Indian and
- (c) traders and those who had to come to Natal at their own expense.

It was these two latter groups who proved to be the greatest threat and consequently the source of ill-feeling and anti-Asiatic agitation. By the 1880s the voice of criticism grew louder as the number of "free" Indians increased and larger numbers of Indians immigrated to Natal at their own expense. The Indian through his lower standard of living had the advantage in competition. Fear of being outclassed began to manifest itself as a danger to the survival of the Whites and their children.<sup>16</sup>

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 14. H.Lieberman, 'The Indians of South Africa', *Commonwealth and Empire Review*, Vol.67, 1938, p.47.

15. UG4, *Report of the Asiatic Inquiry Commission*, 1921, paragraph 6, p.2.

16. J.H. Hofmeyr, *South Africa*, (London, 1931), p.175.



The anti-Asiatic agitation grew so vehement that the Wragg Commission had to be appointed to inquire into the truth or otherwise of the allegation being made against the Indian community. The Commission served a useful purpose in indicating the position of the indentured Indian, "free" Indian and "Arab" trader. The report of the Commission was a setback to the anti-Asiatic agitators. In terms of the Commission's findings the demand for a constant supply of labour compelled the government of Natal to allow immigration. Calpin accurately describes this period as the rise and fall of the conflict of White interests, viz., the struggle between the industrialists for the continuance of the system of indentured labour, and commercialists for legislative enactments to end this process.<sup>17</sup> The problem was that the industrialists were not threatened by the Indian because there were no Indian industrialists whereas the commercialists were threatened by the preponderance of traders. As the number of "free" Indians increased and traders settled in the colony, White public opinion mounted in demanding repatriation. Coupled with this increasing pressure there was a change in the form of government from crown colony to responsible government in 1893. With responsible government, Natal was free to put into effect legislation directed at the Indian without having to answer to the British government although Her Majesty's government still had the power of veto. The pace of effecting (discriminatory) legislation to appease the public agitation accelerated, and eventually caused the cessation of Indian emigration by the government of India in 1911. As part of the government's initiative to appease White public opinion the Natal government passed a law in 1895 which imposed a three pound tax on those indentured workers who chose to remain in Natal as "free" Indians. This move was viewed as the first step towards ultimate extinction of non-indentured Indians from Natal.<sup>18</sup> The tax was subsequently extended to include boys of sixteen years and over and girls of thirteen years and over. It became effective in 1902 and promoted a high rate of re-indenture. During the period 1902 to 1913, 32506 Indians returned to India.<sup>19</sup> This iniquitous tax was not abolished until the Smuts-Gandhi agreement of 1914.

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17. Calpin, *Indians in South Africa*, p.11.

18. Swan, *Gandhi*, pp.63-64.

#### MAHATMA GANDHI'S ROLE 1894-1914

The absence of organs of representation (viz. organization, leadership and a mouthpiece) created a vacuum in the life and existence of the South African Indian community and left them defenceless in the face of forces acting against them. This vacuum was filled by Mohandas Karamchand Gandhi, who arrived in South Africa in May 1893 on a legal assignment which was estimated to engage his services for no more than a year. At a farewell party given in his honour on the eve of his departure he read in the newspapers by chance, of the plan to disenfranchise the Indians in Natal. Gandhi saw the seriousness of this attempt and expressed his concern in the following terms: " This Bill, if it is passed into law, will make our lot extremely difficult. It is the first nail into our coffin. It strikes at the root of our self-respect."<sup>20</sup> Swan refers to the events surrounding Gandhi's entry into South African politics as unclear but adds that the "...autobiography offers a highly romanticised - though generally accepted - version of these events".<sup>21</sup>

On the earnest plea of those present at the farewell party he postponed his departure. A new era in the life of the South African Indian began and as Gandhi described it, " Thus God laid the foundation of my life in South Africa and sowed the seeds of the fight for national self-respect."<sup>22</sup> The first protest meeting against the proposed Bill was held under the chairmanship of Sheth Haji Muhammad on 1 July 1894 in Durban.<sup>23</sup> A resolution was taken to -----

19. Mesthrie, U.S., 'Reducing the Indian Population to a "Manageable Compass": A Study of the South African Assisted Emigration Scheme of 1927', *Natalia*, No.15, November 1985, p.37.

20. Narayan (ed.), *Selected Works of Gandhi*, vol.1, p.206.

21. Swan, *Gandhi*, p.48.

22. Narayan (ed.), *Selected Works of Gandhi*, vol.1, p.208.

23. *Ibid.*, p.209.

oppose the Bill. Volunteers were enrolled, mainly colonial-born Indian Christian youths and local merchants. It took a calamity to unite the South African Indian and in the process class barriers were over-looked. This new experience inspired a spirit of self-sacrifice. Consequent to issues discussed at the meeting, telegrams were forwarded to the Prime Minister, Sir John Robinson and others in authority, calling for postponement of discussions on the Bill. Postponement was granted, during which time a substantial petition with 8889 signatures was submitted to Lord Ripon, Secretary of State for the Colonies.<sup>24</sup> He reacted in the following words: "...a measure of this sweeping nature is regarded by Her Majesty's Government as open to the very gravest objection... and to assent to this measure would be to put an affront upon the people of India such as no British Government could be a party to."<sup>25</sup> Finally in 1896, the Bill became law but to appease Her Majesty's government it was phrased in general terms and Indians or Asiatics were not explicitly mentioned, although the Bill remained essentially the same. It was worded to the effect that a person who did not enjoy the vote in his mother country was to be denied the right to vote in Natal. The Indians of India fell into this category as they did not have the vote in India. The year 1896 was described as the darkest year in the history of Indians in Natal. Being deprived of their parliamentary franchise, all hopes of attaining equality with the Whites were dashed.<sup>26</sup>

The significance of the protest offered by the Indian was that it achieved a great deal for the Indian community and was evaluated by Gandhi as follows: "The agitation has infused new life into the community and has brought home to them the conviction that the community was one and indivisible, and that it was as much their duty to fight for its political rights as for its trading rights."<sup>27</sup> For Gandhi, petitions were not enough and thus the need for a permanent, properly administered organization emerged because he believed that in

24. *Ibid.*, pp.212-213; L.A.- no.6, *Natal Government Gazette of 1896*, p.525.

25. L.A.- no.6, *Natal Government Gazette of 1896*, p.529.

26. Joshi, *Tyranny*, p.56.

27. Narayan (ed.), *Selected Works of Gandhi*, vol.1, p.211.

order to put continued pressure on the Colonial Office, organization was needed. The temporary committee was re-named the Natal Indian Congress (NIC) on 22 May 1894. The Congress concept was received with enthusiasm and approval. Noteworthy were its constitution and heavy subscription. The fixing of subscription at the minimum of three pounds had the effect of restricting membership to the trading class.

The Colonial-Born Indian Education Association was founded by the NIC to see to the needs of the colonial-born educated Indians. The membership fee was nominal and its members were mostly educated youths. It served to air their needs and dissatisfaction, to stimulate discussion, to bridge the gap between the colonial-born Indian and the trading class and also afford them scope for service in the community.<sup>28</sup> Out of this group a new elite emerged in Natal between 1905 and 1906. By 1910 the new elite could be identified by its own characteristics and appeared to be attempting to create its own sense of identity. They were mainly colonial-born, the young product of the Natal indentured or ex-indentured labourers. Their superior position in terms of occupation was the primary factor which distinguished the new elite from the labouring classes from whom they had risen. The most successful and higher on the occupational ladder were a few lawyers, accountants, civil servants and a newspaper publisher and lower down were teachers, bookkeepers, clerks, interpreters and small traders and farmers.<sup>29</sup> Four major political organisations or pseudo-political organisations emerged from the new elite viz. the Hindu Young Men's Association (1905); Natal Indian Patriotic Union (1908); Durban Indian Society (1909) and the Colonial-Born Indian Association (CBIA) (1911). Swan describes the new elite as an "upwardly mobile group". The CBIA marked the emergence of the new elite with a distinguishable self-conscious sense of identity and unity with common colonial-born origins. The CBIA also pronounced its commitment to articulating the aspirations of the Natal Indian underclasses.<sup>30</sup>

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28. *Ibid.*, p.224.

29. Swan, *Gandhi*, p.11.

30. *Ibid.*, pp.18-19.

The NIC catered for the colonial-born, clerical workers and the trading class but the Indian unskilled wage earner and the indentured Indian labourer were excluded. However they were taken care of by the constitution of the NIC which declared that its aim was "...to enquire into the conditions of the indentured Indians and to take proper steps to alleviate their sufferings."<sup>31</sup> In this manner the NIC accommodated the interests of the indentured Indians. Yet the NIC was still in its infancy and Gandhi was inexperienced and admitted that he was not ready to handle the situation.

Swan states that the NIC was almost exclusively a merchant dominated organisation, created to protect the interests of merchants and further merchant interests.<sup>32</sup> Swan refers to this part of the original community as the "commercial elite". Contrary to the NIC's declaration in its constitution and subsequent claims of the NIC, Swan concludes that the grievances of the unrepresented underclasses were represented by the commercial elite only if it benefitted elite interests in some way. The real link between these classes were primarily "exploitative patron-client relationships formed by money lenders, shopkeepers and the owner-operators of the Durban produce market". Thus Swan was able to predict that the new elite would be in a strong position to capture the "vast potential worker constituency".<sup>33</sup>

Gandhi was the man who fulfilled the needs of the South African Indian for leadership and an organisation. He also provided a mouthpiece starting a weekly newspaper *Indian Opinion*, which after its early beginnings moved to Phoenix in Natal. The first issue of this newspaper appeared on 4 June 1903 in four languages: English, Gujarati, Hindi and Tamil. Its main objective was to inform Indians both locally and abroad of events in South Africa. This newspaper played a significant role in the social and political life of the Indian community in South Africa. However in February 1906 Gandhi decided to discontinue the Tamil and Hindi sections of *Indian Opinion* because he believed that the paper was not in a position to provide the right type of news. Swan

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31. Narayan (ed.), *Selected Works of Gandhi*, vol.1, pp.131-132.

32. Swan, *Gandhi*, p.2.

33. *Ibid.*, pp. 27-28.

saw this decision as emphasising the lack of understanding and the gap which existed between the commercial elite and the underclasses which contradicts the NIC and the *Indian Opinion's* claim to speak for the community as a whole.<sup>34</sup> Swan challenges the orthodox account and questions the view of Gandhi as the leader of South African Indians and in the process Swan demythologises Gandhi. This new perspective brings closer to the foreground the role of other participants in shaping a political movement which was to outlive Gandhi's departure.<sup>35</sup>

The feelings in Natal against the further immigration of Indians came to a head in 1896-1897 when the whites gathered at the Durban Point and by force prevented the landing of hundreds of free Indian labourers from two steamers, the *Naderi* and *Courland* until the government undertook to introduce Bills which subsequently became the Licensing and Immigration Laws of 1897. In introducing these Bills Mr. Escombe, then the Prime Minister, said: "...unless an arrestation was put upon the introduction of immigrants from India the whole social polity of this country would be disturbed ... Having regard to the character of the people who were coming ... it was easy for the whole of the population ...to be ... submerged by the new arrivals, entailing a competition which was simply impossible as far as Europeans were concerned, whether in trade or agriculture, on account of the different habits of life".<sup>36</sup> Swan says that these Bills were drafted with the prime objective of destroying Indian economic interests.<sup>37</sup> Indentured labour was however not affected by the provisions of these laws and in the course of events the government of India terminated further emigration of indentured labour to Natal. Emigration was subsequently reinstated in terms of the Natal Act No. 22 of 1909 and the emigration of indentured labour was then permitted until 1 July 1911.<sup>38</sup>

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34. *Ibid.*, p.58.

35. *Ibid.*, preface xiii-xvi.

36. UG4, *Report of the Asiatic Inquiry Commission*, 1921, paragraph 146, p.40.

37. Swan, *Gandhi*, p.67.

Up to the year 1897 there were no restrictions on the immigration of Indians or Asiatics in Natal. The restrictions placed by the Natal government through the Licensing and Immigration Restriction Laws of 1897 were the first in a series. The Law of 1897 was replaced by one of 1903, which introduced a further measure including a literacy test and sought to tighten control over the entry of "free" Indians into Natal.<sup>39</sup> A series of similar legislation was introduced by the Cape, Transvaal and Orange Free State. In 1913 the Union parliament passed the Immigrants Regulation Act, Act 22 of 1913. Its most significant clause was section 4(1)a, in terms of which the Minister could bar entry to an immigrant who "on economic grounds or on account of standard or habits of life ...(is) unsuited to the requirements of the Union..."<sup>40</sup> The implications, as Gandhi recognised, was that the Act "...has in practice all but stopped further free Indian immigration..."<sup>41</sup>

Gandhi attempted to satisfy the divergent needs of the trader through the NIC, the "free" Indian/colonial-born through the Colonial-Born Indian Educational Association and thirdly the indentured Indian labourer by provision in the constitution of the NIC. Mohandas Karamchand Gandhi was considered "...the greatest Indian who influenced Indian affairs in South Africa."<sup>42</sup> Gandhi remained in South Africa until 1914, during which time his theory of passive resistance was developed and tested, eventually proving that armed resistance

38. UG4, *Report of the Asiatic Inquiry Commission*, 1921, paragraph 147, p.40.

39. S.Bhana, and B.Pachai, (eds.), *A Documentary History of Indian South Africans*, (Cape Town, David Philip, 1984), pp.53-63.

40. A.J. Arkin, 'Contribution of the Indians to the South African Economy 1860-1970', *University of Durban-Westville Institute for Social and Economic Research Report 14*, p.122.

41. UG4, *Report of the Asiatic Inquiry Commission*, 1921, paragraph 74, p.18.

42. D.Rudd, 'The Indians in South Africa', *Quarterly Review*, vol.538, October 1938, p.334.

was unnecessary and that oppressive laws could be dismantled by non-violent means. Between the period 1907 and 1914 Gandhi inaugurated two passive resistance campaigns which ended with the Smuts-Gandhi agreement. As a result of passive resistance the Indian Relief Act of 1914 was passed in terms of which provision was made for a free passage to India to any Indian provided that such Indian abandoned his right of domicile in South Africa. This provision began a process of encouraged repatriation. The scheme was improved in 1921 with the introduction of a bonus of five pounds per head and a maximum of twenty five pounds per family to make the scheme more attractive. To further stimulate repatriation the bonuses were doubled.<sup>43</sup>

#### FROM THE SMUTS-GANDHI AGREEMENT TO THE FIRST CAPE TOWN AGREEMENT 1914-1927

The South African Indian community had entered a period of hope which emanated from the Smuts-Gandhi agreement and the Indian Relief Act of 1914. Both these landmarks stood for progress, stability, justice and fairplay. Gandhi had reinforced this "hope" by his historic description of the settlement as the "Magna Carta" of the liberty of Indians in South Africa and further in the following words: "I leave South Africa in the hope that the healthy tone that pervades the European community in South Africa today will continue."<sup>44</sup> This "healthy tone" was at first pervasive, but only in the period of distraction which commenced on the eve of Gandhi's departure from South Africa with the outbreak of the First World War and terminated with the cessation of this war, after which stormy clouds again gathered over the South African Indian horizon.<sup>45</sup> In response to the agreement *vis-a-vis* the significance of the

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43. Mesthrie, 'Reducing the Indian', pp.38-39.

44. Narayan (ed.), *Selected Works of Gandhi*, vol.12, "Farewell Letter", 18 July 1914, pp.500-501.

45. Michael Vane, 'The South African Indians', *South African Affairs Pamphlet*, no.17, 3rd series, (Johannesburg, [1948?]), p.29.



settlement for the colonial-born Indian, Albert Christopher observed perceptively that "...the solution of the Indian question lay in their own hands and the ...agreement merely provided breathing-space..."<sup>46</sup> In the aftermath of the World War, anti-Asiatic agitation became more pronounced and the anti-Asiatic elements mobilized their forces under the auspices of the South African League. The League's fundamental purpose was to urge the government to impose the stringent application of all legal restrictions against Asiatic encroachment which were regarded as threats to their economic and social welfare.<sup>47</sup> The cumulative effect of the growth of anti-Asiatic agitation in the post World War period with demands for segregation and repatriation pressurised the government into appointing the Asiatic Commission of Inquiry on 3 February 1920 under the Chairmanship of Sir John Lange to enquire into and report on the provisions of the law affecting :

"(a) the acquisition of land and rights affecting land in the Union by Asiatics and persons of Asiatic descent for trading and other purposes;

(b) the trading or carrying on of business by such persons generally, or in specified localities;

and further to report whether it is in the public interest to alter the law in any respect, and to make recommendations with regard to any difficulties and grievances which have arisen in regard to matters (a) and (b)."<sup>48</sup> The appointment of the commission reflects the seriousness of the government's attempt to appease the anti-Asiatic agitators. Les de Villiers sums up the position in remarking that General Smuts was in an awkward position "...caught in a vice between unyielding Indians and stubborn Englishmen. His Government tried to please both sides, and in the end, failed miserably."<sup>49</sup>

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46. Bhana and Pachai, *Documentary History*, p.146

47. UG4, *Report of the Asiatic Inquiry Commission*, 1921, paragraph 91, p.23.

48. *Ibid.*, p.1.

49. Les de Villiers, *South Africa Drawn in Colour : The Smuts Years 1945-1946*, (Sandton, 1980), p.56.

The mobilization of anti-Asiatic forces created the need for the South African Indian community to mobilize their forces in view of the critical situation facing the community in the Union in relation to the legislation affecting trade and residence. An emergency convention of the South African Indian Conference was successfully conducted between 3 and 6 August 1919, being representative of the whole Indian community with 310 delegates representing the Transvaal, Cape Province and Natal. The conference represented a gathering of all Indian political organizations in South Africa which came together in times of crisis to resolve matters of common concern. Mr Albert Christopher, in his presidential speech, said that, "...facts and not dreams are what we have now to face ... a stern duty and a stern fight is what we are confronted with. All determination, resolve and capacity for sacrifice is needed if we are to regain our position."<sup>50</sup> Christopher's speech may not have offered proposals to the people or threats to the government but was nevertheless rational and inspiring.

L.W. Ritch, a White liberal who was closely associated with the Indian struggle commented as follows on the proceedings of the conference: "That the day of the old style leader and talker is past was very obvious throughout the extremely interesting if lengthy proceedings ... numerically considered the conference was one of the biggest things in the history of the South African Indian movements ... Those who held that the Indian community was politically moribund will discover that they are full of vitality."<sup>51</sup> Albert Christopher, a colonial-born Indian was to emerge in the 1930s as the first president of the Colonial-Born and Settlers Indian Association (CB&SIA).

It is important to note that it was as a result of the Cape British Indian Council's initiatives that the first of three conventions of the South African Indian National Conference was held in Cape Town in January 1919.<sup>52</sup> The Cape

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50. *Indian Opinion*, 15 August 1919.

51. *Ibid.*

52. Pahad, 'Indian Political Movements', pp.31-32; *Indian Opinion*, 7 June 1918 and 20 September 1918.

Indians once again took the initiative and held a protest meeting under the auspices of the All Indian Organization in the Cape Peninsula in January 1923 to call upon the government to stem the tide of anti-Asiatic agitation.<sup>53</sup> The All Indian Organization was an umbrella body governing the activities of the various political organizations in the Cape Peninsula. The significance of the Cape meeting was estimated as being "... probably the prelude to fresh political agitation amongst the Indians in the Union and should awaken the government and the responsible leaders of all shades of public opinion among the White population to the need of a settled, considered and reasonable policy on the Asiatic question."<sup>54</sup> The *Indian Opinion*, acting as the mouthpiece of the Indians, called on all provinces to follow the example of the Cape Indians. At length, the third convention of the South African Indian Conference was held in Durban on 31 May 1923, at which the South African Indian Congress (SAIC) was formally constituted.<sup>55</sup> By 1924 the Indian community in South Africa were organized not only on a provincial level but also on a national level. The SAIC was to remain the only national political body to represent Indians in South Africa until the South African Indian Organization was formed in 1948.<sup>56</sup>

Meanwhile, the Asiatic Inquiry Commission had been undertaking a thorough investigation of the position of the Asiatics in South Africa and concluded that the so called "Asiatic menace" was a "misconception" and the cause of "ill-founded" fear amongst certain sections of the community. Although the Commission concluded that "compulsory repatriation of Asiatics may therefore be regarded as out of the question ..." the Commission "...felt very strongly

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53. *Indian Opinion*, 26 January 1923.

54. *Natal Mercury*, 23 January 1923.

55. *Indian Opinion*, 6 July 1923. The constitution of the SAIC is reproduced in full in Appendix A.

56. Bridglal Pachai (ed.), *South Africa's Indians, The Evolution of a Minority*, (Washington, 1979), p.34.

that every effort should be made ...to encourage voluntary repatriation ...by offering special shipping and other facilities for those who were willing to return to India."<sup>57</sup> Notwithstanding the positive conclusions which vindicated the position of the Indians the Commission endorsed such recommendations as were designed to encumber the position of the Indians in the Union.

Sir Abe Bailey, president of the anti-Asiatic South African League and member of parliament for Krugersdorp described the report as a very weak report and promised that despite the conclusions of the report the anti-Asiatic element would continue to agitate against the Asiatic danger.<sup>58</sup> It has been held that the Whites were merely seeking to prevent being overtaken by Indians, a fear not based on racial antagonism but on the economic standard of the Indians which presented a threat to White existence in South Africa.<sup>59</sup> The Indians were also threatened in that their only means of livelihood was being jeopardised. They were gradually being excluded by legislative means from occupations in the railways, gold mines and the printing industry, in which they were in competition with the Whites. Their prospects were being curtailed by measures designed by the policy of segregation.<sup>60</sup> These fears amongst the Indians were justified to some extent by ordinances and acts promulgated from time to time by the government and other provincial bodies. International moves in the shape of the Imperial Conferences of 1917, 1918, 1921 and 1923 drew the question of treatment of Indians in South Africa into the spotlight. These were prompted by the admission of India to the same forum as the Dominions with the same status in 1917 and her powerful and articulate representatives at the Imperial Conferences, namely, Sir S.P.Sinha and Sir Tej Bahadur Sapru.

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57. UG4, *Report of the Asiatic Inquiry Commission*, 1921, paragraphs 118-119 & 224, pp.33 & 63.

58. De Villiers, *South Africa Drawn in Colour*, pp.56-57.

59. Henry Gibbs, *Background to Bitterness*, (London, 1945), p.2.

60. G.Hibbert - Ware, 'The Indians in South Africa', *Church Overseas*, January 1929, p.37.

Early in 1924 the Class Areas Bill was introduced into parliament by Sir Patrick Duncan, who was Minister of Interior in the Smuts government. The object of the Bill was to separate Indians both for residential and trading purposes. This Bill was viewed by the Indians with great indignation. The South African Indian was now more organised with their national body, the SAIC, to retaliate. Evidence of their concerted effort is shown in their virulent opposition to the Bill in the form of meetings, resolutions, petitions and deputations.<sup>61</sup> The NIC invited Mrs. Sarojini Naidu to come to South Africa from Keyna where she presided over the East African Indian National Congress. She was an important member of the Indian National Congress based in India.<sup>62</sup> Her timely arrival at the end of February 1924 was welcomed by the South African Indians. She devoted her immediate attention to the Class Areas Bill by interviewing the Prime Minister, important members of parliament and attended the debates on the Bill in parliament. During the second reading of the Bill, a by-election defeat of the South African Party (ruling party) at Wakkerstroom, caused Smuts to resign and call for a general election as a result of which the Bill was dropped.<sup>63</sup> The SAIC strategically decided to hold a conference whilst the Whites were distracted with their own political difficulties. The conference was opened on 21 April 1924 with Mrs. Sarojini Naidu as president. It was at this conference that Mrs. Naidu suggested the idea of a round table conference between the governments of India and the Union.<sup>64</sup> The appointment of Mrs Sarojini Naidu as president of the SAIC in 1924 was very significant in that it created a bond between the SAIC and the

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 61. *Indian Opinion*, 18 January & 5 February 1924; B.Pachai, *The International Aspects of the South African Indian Question 1860-1971*, (Cape Town, 1971), pp.106-107; Joshi, *Tyranny*, p.109.

62. Pachai, *International Aspects*, p. 106; Joshi, *Tyranny*, p.109.

63. Pahad, 'Indian Political Movements', p.47.

64. Pachai, *International Aspects*, p.108.

Indian National Congress based in India with the object of fighting for independence from the British. This bond was reinforced in 1925 when she was also elected President of the Indian National Congress.<sup>65</sup> On her departure from South Africa in May 1925 Mrs. Naidu instilled a ray of hope for South African Indians when she described their problems as temporary. Mrs. Naidu's view would appear optimistic in the light of what followed the elections of June 1924. In a strategic move the Nationalists led by Hertzog entered into a pact with the Labour Party and this Pact won the elections with a majority of 18.<sup>66</sup> Both parties of the Pact government were anti-Indian, the Nationalists because of their general attitude on the colour question and Labour because of their fear of Indian competition and rivalry.<sup>67</sup>

The earlier suggestion of Mrs. Naidu *vis-a-vis* the round table conference was also mooted by Mr. J.H. Thomas, Secretary of State for the Colonies, on his visit to South Africa. He warned the Union government not to create a disastrous situation for itself and the British Empire with its attitude and actions.<sup>68</sup> Contrary to advice and suggestions the Pact government approved the Natal Boroughs Ordinance and the Natal Townships Ordinance which effectively deprived the Indian of his municipal franchise in the boroughs and townships. The government of India responded to these developments urging the need for a conference between both governments. The Governor-General's response was positive but with a proviso that the position of Indians in South Africa depended on an effective policy of repatriation. Amid negotiations at this level between both governments Dr.D.F. Malan, Minister of the Interior, on 23 July 1925, introduced into parliament the Areas Reservation and Immigration and Registration (Further Provisions) Bill which was much wider in its

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65. *Ibid.*

66. Pahad, 'Indian Political Movements', p.48.

67. Palmer, *History of Indians*, p.94.

68. Pachai, *International Aspects*, p.109.

implications and harsher in its scope than the Class Areas Bill of 1924, providing for territorial segregation of Indians both as regards residence and trade.<sup>69</sup> The government of India called for the postponement of the Bill and requested permission to send a deputation to investigate the position and general conditions of the Indian so that the contribution of the government of India delegation at the round table conference would be more meaningful.<sup>70</sup> There was a storm of protest by the South African Indians and Joshi was very explicit in articulating the general feeling of his fellow Indians, describing the Bill as "...murderous, diabolic and venomous...cruel, malignant". "The time was one of life and death for the South African Indians", he added, "The murderous Bill was ready to exterminate them."<sup>71</sup>

The year 1926 was marked by deputations of the SAIC and Union Parliamentary deputations leaving for India and the government of India deputation arriving in South Africa. All the deputations played their part, however measured, in bringing into existence the first Round Table Conference between representatives of both the government of India and South Africa on 17 December 1926. As a result of these negotiations the passage of the Bill was halted pending the results of the conference.<sup>72</sup> Mesthrie established that the India delegation came to South Africa with the primary objective of removing the Union government's segregation proposals and with the full knowledge that repatriation would be high on the agenda. The India delegation was prepared to negotiate on this basis and consequently co-operated with the Union delegation in devising a more acceptable form of repatriation under the guise of the "assisted emigration scheme". The India delegation also secured a commitment

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69. KCM, Mabel Palmer Papers, File no. 4 (KCM 17008) *Documents Relating to the New Asiatic Bill and the Alleged Breach of Faith*, Collected by Rev. C.F. Andrews (Cape Town, n.d.) p.13.

70. Pachai, *International Aspects*, p.111.

71. Joshi, *Tyranny*, pp.110, 114.

72. Mesthrie, 'Reducing the Indian', p.40.

from the Union government *vis-a-vis* the upliftment of those Indians who chose to remain in South Africa. The Union delegation acquiesced on the understanding that there would be no "assisted emigration" without "upliftment".<sup>73</sup>

The outcome of this first Round Table Conference was published simultaneously in India and South Africa in the form of what was popularly known as the Cape Town Agreement on 21 February 1927.<sup>74</sup> The agreement consisted of three parts, namely: schemes of state-assisted emigration in terms of which the Union government would be responsible for costs involved while the Indian government would assist such Indians in settling in India; entry of wives and children; and finally upliftment of the Indian community. The scheme of assisted emigration was designed to reduce the Indian population in South Africa by increasing the amount of money payable to Indians willing to take advantage of the emigration scheme and by further creating attractive incentives to encourage emigration; the second part gave effect to paragraph 3 of the Reciprocity resolution of the Imperial Conference of 1918 which intended to provide that an Indian be given the opportunity to live a happy life in the country in which he was domiciled and the third part dealt with ways and means of improving conditions of those Indians who remained in South Africa. The "upliftment clause" was hailed as marking a new attitude on the part of the White government of the Union and as providing a charter of human rights for the Indian people of the Union.<sup>75</sup>

#### EVENTS LEADING UP TO THE SECOND AGREEMENT AND THE COLONISATION SCHEME 1927 - 1932.

Thus in 1927 the Union government accepted in principle that "...you cannot permanently keep an element of your population...in a ditch, unless you are prepared to stay there yourself."<sup>76</sup> It was accepted that the Union government

73. *Ibid.*, p.41.

74. Pahad, 'Indian Political Movements', p.75.

75. 'Our Indian People', Reprint from the South African Institute of Race Relations Journal, vol.7, no.3, (n.d.), pp.4-5.



would attempt to raise the standard of the Indian as against their previous policy of repression and thus seek to remove the so called "Asiatic menace" which threatened the White community in South Africa.<sup>77</sup> The *bona fides* of the Union government were suspect and the suspicions of the Indian community were confirmed to an extent by the Minister of Interior, Dr.D.F. Malan's statement on the agreement which was as follows : "The whole object of the agreement is to get as many Indians repatriated as possible, and the energies of the Conference were bent in that direction namely, to draw up a satisfactory scheme with the help of the government of India."<sup>78</sup> This interpretation of the Agreement was once again confirmed by Dr.Malan in reply to a question in Parliament at which time he stated that " The actual kernel of the agreement between our government and that of India is that there shall be co-operation in the future between the two governments for the solution of the the Asiatic question in such a manner which, at any rate, the largest part of our population of South Africa regards as the only practical way, namely, along the way of repatriation..."<sup>79</sup>

An important factor emerges from these negotiations which altered the future basis of the South African Indian politics and existence. The South African government had always excluded foreign intervention in its domestic affairs. The Asiatic question was one of South Africa's thorniest domestic issues and it was raised at the the Imperial Conference at which it was expressly declared to be a serious issue. The conclusion of the Cape Town Agreement changed the Indian question into one to be solved with the help of the government of India. It brought about a "diplomatic arrangement" between the governments of India and South Africa in the form of an Indian agent acting on be-

76. J.H.Hofmeyr, 'Behind the Asiatic Agitation ', *The Forum*, vol.2,no.3, 15 April 1939,p.14.

77. Hofmeyr, *South Africa*, p.304.

78. Pachai, *International Aspects*, p.120; *Star*, 12 April 1927.

79. *House of Assembly Debates*, 29 June 1927, col.1503.

half of the Indian government in South Africa. The task of this agent was to implement the provisions of the Cape Town agreement. The South African authorities evaluated the success of the Cape Town agreement in terms of the number of Indians repatriated. These numbers fluctuated over the years as follows: in the latter half of 1927, 1655 Indians repatriated; in 1928 - 3477; 1929 - 1314; 1930 - 1012; 1931 - 1961; 1932 - 2881; 1933 - 1493; 1934 - 880; 1935 - 492; 1936 - 430; 1937 - 230; 1938 - 205; 1939 - 121 and in 1940-40.<sup>80</sup>

The SAIC's reaction to the agreement could be evaluated in terms of a resolution taken at its seventh session on 12 April 1927, accepting the agreement as "...an honest attempt to find a solution to the Indian problem."<sup>81</sup> The SAIC's attitude was severely criticised, the most prominent and representative criticism came from P.S. Aiyar who claimed that the SAIC found the agreement acceptable because repatriation and industrial legislation affected the poorer classes and that the SAIC was only concerned with protection of its vested rights. Aiyar also expressed concern that the SAIC would not be capable of handling the post-agreement situation.<sup>82</sup> Aiyar followed this attack on the SAIC with a petition to the Prime Minister signed by himself and 46 other Indians accusing the SAIC of being representative of the merchant class, rejecting the agreement on many counts and calling on Dr.D.F. Malan to call a convention of all interested Indian organisations to find a solution to the problem.<sup>83</sup> Joshi described the anti-SAIC protesters as "...a powerful but unorganised section of the community."<sup>84</sup> The importance of this reaction of colonial-born representatives could be seen as a significant break with the SAIC in the form of a rebel group, more radical in its approach, a group not

80. Province of Natal, 'Report of the Protector of Indian Immigrants', 1927-1940; Pahad, 'Indian Political Movements', p.93.

81. Pahad, 'Indian Political Movements', p.78.

82. *Ibid.*, p.80 ; *Natal Mercury*, 16 March 1927.

83. *Ibid.*

84. Joshi, *Tyranny*, p.136.

satisfied with the accommodationist attitude and moderate approach of the SAIC. Advocate Godfrey, the NIC president, came to the rescue and defence of the SAIC.<sup>85</sup>

A number of salient factors contributed to the failure of the assisted emigration scheme. From its inception the South African Indian Federation (SAIF) which was formed in 1927, (constituted by members of the Transvaal British Indian Association, a breakaway group from the SAIC, the Natal Colonial-Born Indian Association, the Natal Indian Association and the Natal Indian Vigilance Association), opposed the agreement, seeing it as "...gradually resulting in economic strangulation and driving the community to ruin with ultimate reduction of the population to undefined and unlimited dimensions."<sup>86</sup> Its propaganda campaign comprised speeches and pamphlets denouncing the scheme and painting a poor picture of the situation in India.<sup>87</sup> J.L.Roberts, C.M.Anglia, and P.S.Aiyar, who were prominent members of political and social organisations in Natal and also represented the colonial-born Indians, strongly opposed the agreement and played a significant role in discrediting the scheme by pointing out its weaknesses and drawbacks to the plantation workers.<sup>88</sup> A report published in 1931 by Bhawani Dayal Sannyasi, vice - president of the NIC, on the assisted emigration scheme exposed its inadequacies, acclimatisation problems in India and the injustice of misleading the people by making the scheme appear lucrative and attractive.<sup>89</sup>

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85. *Natal Mercury*, 29 March 1927.

86. *Ibid.*, pp.94-95.

87. *Ibid.*, p.95.

88. *Ibid.*, pp.95-96.

89. Pachai, *International Aspects*, p.121. Bhawani Dayal Sannyasi and Benar-sides Chaturvedi published a report entitled: *A Report of Emigrants Repatriated under Assisted Emigration from South Africa and on the Problem of Returned Emigrants from all Colonies* (Pravasi-Bhawan, Bihar, 1931)

In an analysis of the racial composition of the South African population between the years 1911 and 1936 the Indian population represented no more than 2,6 percent of the total South African population.<sup>90</sup> In the years 1911 to 1931 the White and Indian population of Natal was as follows:

Years	Whites	Indians
1911	98114	133030
1921	136838	141336
1931	177449	163400

It will be seen that in 1911 the Indian population of Natal exceeded that of the Whites by 34916 but gradually reduced in 1921 and in 1931, with the White population exceeding that of the Indians by 14049. In 1911, 88,8 percent of the total Indian population resided in Natal with the percentages for 1921 and 1931 being 87,6 percent and 88 percent respectively.<sup>91</sup> It was therefore significant that the Natal Whites were strong protagonists of repatriation. The statistics are of importance and are to be borne in mind because they falsify the fear and allegation that the Indian population would swamp the White population. It is noteworthy that if it were not for the compulsory concentration through inter-provincial immigration laws, the Indian population of Natal would have been distributed over the whole of the Union and would not have been seen to constitute either an economic or social problem as has been alleged.

It is important to note that the majority of Indians in South Africa were colonial-born and as such enjoyed protection in terms of international law in terms of which they could not be expelled from their country of birth. The government had a duty to carry out the undertaking provided in terms of indenture with due justice and fair play. If the government deliberately acted unjustly towards the Indian the moral as well as physical standards of white civilisation would be lowered. It was found that compulsory repatriation was impossible to implement whilst voluntary repatriation was equally out of the question. South Africa offered the Indians better opportunities than they would have enjoyed in India, which was over-populated, and the pressure of the

90. Arkin, 'Contribution of Indians', p.121.

91. UG23, *Report of the Indian Colonization Committee*, 1934, paragraph 47, p.10.

caste laws made it equally difficult for them to adapt. Moreover the Indian in South Africa was becoming more and more conscious of his nationality thus making repatriation difficult irrespective of incentives offered.<sup>92</sup> The time had arrived to review the working of the Cape Town agreement. This was provided for in terms of paragraph 7 of the Cape Town agreement which read as follows: "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."<sup>93</sup> Thus as a result of negotiations between the governments of India and South Africa the latter government agreed to the holding of a second Round Table Conference.<sup>94</sup> The Indian delegation arrived in South Africa on 4 January 1932 comprising Sir Fazli Hussein as leader, the Rt. Hon. V.S. Srinivasa Sastri (ex-Agent General), Sir Kurma Redhi (ex-Agent General), Mrs. Sarojini Naidu, Sir Geoffrey Corbett, Sir d'Arcy Lindsay and Mr. G.S. Bajpai (secretary). The Union government was represented by Dr.D.F. Malan, Minister of Interior and leader, Mr.O.Pirow, Minister of Lands, Mr.E.G.Jansen, Minister of Native Affairs and Mr. Patrick Duncan and Mr. G.H. Nicholls, the two representatives of the South African Party.<sup>95</sup> The composition of both the groups is indicative of the seriousness of the issues at stake as well as the concern of both governments that they should arrive at an equitable solution to the question of the continued existence of the Indian in South Africa.

At a reception held to welcome the government of India delegation in Cape Town, Mrs. Sarojini Naidu expressed her view of the purpose and value of the Conference as follows: "The problem solved for the Indian section of the South African nation is the problem solved for all the coloured people of South

92. Hofmeyr, 'Problem of the South African Indian ', pp. 16-17.

93. Pachai, *International Aspects*, p.294. Appendix G, Joint Communique, 1932. Statement made in the House of Assembly and the Council of State, Tuesday 5 April 1932.

94. Palmer, *History of Indians*, p.110.

95. Pachai, *International Aspects*, p.133.

Africa and the problem solved in South Africa is the problem of colour solved for the rest of the world. Therefore in working for the Indian Nationals of South Africa, we are working for the human cause."<sup>6</sup>

Whatever hopes had been entertained by the South African Indian for a favourable settlement emanating from the forthcoming Conference, were dashed by Sir Fazli Hussein. In a speech given at a reception in Kimberley, he declared that, "... both my government and yours have agreed that none of our people should permanently settle in this country and having agreed to this and having goodwill on both sides we hope to reach a satisfactory settlement."<sup>7</sup> This declaration, which for obvious reasons was not acceptable to the Indians who were permanently settled in South Africa, clearly enunciated the policy and the attitude of the government of India which was to be adopted at the forthcoming Conference. It was a clear breach with the basis of the previous negotiations and violated in particular the rights of the colonial born who represented the majority of those Indians resident in South Africa.

On 12 January 1932 the Second Round Table Conference commenced its proceedings in Cape Town. In his opening speech, the Prime Minister, General Hertzog expressed the hope that the results of the negotiations would reinforce the understanding and friendship that was established during and after the First Round Table Conference in 1926."<sup>8</sup> Dr.D.F. Malan, quite contrary to the Prime Minister, stated categorically that the Cape Town agreement, which was the consequence of the first Round Table Conference was not intended to improve the relations between the two countries but was to help in the success of the assisted emigration scheme, which would have helped in the solution of the Indian problem in South Africa. He concluded that the Cape Town agreement had consequently failed as a settlement in any true sense of the word."<sup>9</sup> The SAIC,

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96. David Wilson, 'The Indian in our Midst', *The South African Outlook*, vol.62,1 April 1932, p.62.

97. Joshi, *Tyranny*, pp.187-188.

98. *Ibid.*, p.188.

99. Pachai, *International Aspects*, p.134.

in a statement issued to the government of India delegation, asked for the abandonment of the scheme in view of the manner in which the assisted emigration scheme had been manoeuvred from its original voluntary nature by financial inducements.<sup>100</sup> By 1932 it became evident that future repatriation as set out in accordance with the Cape Town agreement was no longer possible. Sir Shafa'at Khan pointed out that the government of India did everything possible to keep its side of the undertaking but the reluctance of Indians to repatriate made it impossible to continue the scheme any longer.<sup>101</sup> Contrary to Sir Shafa'at Khan's view it was claimed that the Indian government failed to provide adequately for the repatriates as required in terms of the Cape Town agreement and many of the repatriates suffered tremendous hardships in India. News of their plight served as poor propaganda in South Africa to would-be repatriates and this stemmed the flow to India.<sup>102</sup> However, Dr. Malan's declaration of the failure of the repatriation scheme and the SAIC's demand for the abandonment of the scheme were to sound the death knell of the Cape Town agreement and on this note the conference had reached a deadlock in its negotiations.

#### THE INDIAN COLONISATION INQUIRY COMMITTEE AND THE SPLIT BETWEEN THE COLONIAL-BORN INDIANS AND CONGRESS

The Second Round Table Conference was saved from total collapse by the skilful diplomacy of the Indian delegation in accepting the principle of a Joint Commission to look into the possibility of a colonisation scheme for South African Indians. The decision of the Indian Delegation was based on an understanding of the attitude of the Union government. In accepting the principle of exploring the possibility of settling Indians in countries other than India, Sir Geoffrey Corbett said that " The government of India has always appreciated the importance which the government of South Africa attached to the

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100. *Ibid.*, p.135.

101. Shafa'at Ahmad Khan, *The Indians in Natal*, (Allahabad, 1946), p.11.

102. Vane, *South African Indians*, pp.36-37.

question of reducing the number of Indians in South Africa , especially Natal, for two reasons: firstly, to remove the cause of friction which might endanger the friendly relations between the two countries, and secondly, because such a step was in the interests of the permanent Indian population of South Africa , for their numbers were really a handicap to them and tended to obstruct their social, economic and political progress. In any move to reduce the number of Indians the support of the local Indian leaders was absolutely necessary."<sup>103</sup>

Mesthrie draws attention to the conflicting views as to who was responsible for the idea of the colonisation scheme and establishes that "The Indian delegation had considered the idea of a colonisation scheme even before they reached South Africa."<sup>104</sup> However, G.H.Nicholls, a member of the Union government's delegation to the second round table conference, provides a further dimension to these conflicting views. Nicholls states that a few days after the conference suspended its talks, the Indian delegation came forward with a new proposal. Mr. Sastri drew attention to paragraph 3 of the Cape Town Agreement where the following words were used:

"...the Union Government has agreed to organise a scheme of assisted emigration to India or other countries where western standards are not required."

Sastri pointed to the second option of paragraph 3 and suggested that "This possibility of bringing about a reduction in the Indian population in South Africa by this avenue should now be explored."<sup>105</sup> Mesthrie cogently indicates that "The Indian delegation were clutching at straws at the round table conference " in their endeavour to continue the agreement and secure the removal of the segregatory measures contained in the Transvaal Asiatic Land Tenure (Amendment) Bill which was introduced into parliament by Dr. D.F.Malan in 1930.<sup>106</sup> The Bill in effect affected all Indians on the Rand Goldfields in

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103. Pachai, *International Aspects*, p.135.

104. U.S.Mesthrie, 'The Cape Town Agreement and its Effects on Natal Indian Politics, 1927 to 1934', Presented at a Conference on the History of Natal and Zululand, University of Natal, Durban, July 1985, pp.8-9.

105. KCM, George Heaton Nicholls Papers, File no. 39 (KCM 3681), paragraph 30, p.16.



terms of which they were to be segregated for trade and residence; given five years to wind up their businesses and move to areas set aside for their occupation.<sup>107</sup> It was therefore essential that conference be kept alive at all costs in order to negotiate away these disadvantages. Mesthrie succinctly evaluates the role of the government of India: "The Indian delegation played a bad game of checkers at the round table conference " as the Transvaal Bill was not withdrawn but significantly modified.<sup>108</sup>

Mesthrie ventures beyond the closed doors of the conference room in examining the manoeuvres of the Indian government's delegates and in the process establishes how these manoeuvres affected the Indian elite. The inclusion of Sarojini Naidu on the Indian delegation was strategic in that the SAIC held her in high esteem and confidence as a former president of the SAIC. Corbett explained that her association with the colonisation proposal would ensure its acceptance. Corbett emphasised that "The difficulty is that they have got to be approached extremely carefully to get it out of their minds that this is a mere dodge to get them out of South Africa. You will have to put it as a colonisation scheme from India as a whole". Sarojini Naidu gave the South African delegates the assurance that there would be no opposition to the scheme in India.<sup>109</sup> It was against this background that the SAIC, who were not keen to commit themselves to any undertaking, eventually did so after prolonged discussions.

The undertaking which was dated 23 January 1932 read as follows:

"(1) The Congress [SAIC] agrees to co-operate with the Indian government and the Union of South Africa in the former's mission to explore outlets for colonisation in regard to her increasing population, provided that such co-operation on the part of Congress is taken as inspired by

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106. Mesthrie, 'Cape Town Agreement', p.9.

107. Calpin, *Indians in South Africa*, p. 84.

108. Mesthrie, 'Cape Town Agreement', p.10.

109. Mesthrie, 'From Sastri to Deshmukh', pp. 131-136.

patriotic motives and to ascertain whether there exist any good opportunities for South African Indians in the countries explored, and not on the score of Indians being deemed undesirables in the Union or that the Assisted Emigration Scheme which formed part of the last Agreement is eliminated and that Congress will be free to oppose it as its policy.

(2) The Congress also reserves the right to reject the Agreement and to withdraw its co-operation in the above scheme should any points in the Agreement or other subject dealt with by the Round Table Conference not meet the approval of Congress."<sup>110</sup>

The undertaking was signed by the following:

Joosub Ibrahim Gardee, Bernard L.E. Sigamoney, Pragi K. Desai, S.B.Medh, S.R.Naidoo, M.M.Gandhi, Shaikh Ahmed, C.F.Andrews, Sorabjee Rustomjee, P.R.Pather, A.I.Kajee, A.Christopher, A.Ismail Hajee Cassim Adam, V.S.C.Pather and A.D.Motala.

The significance of mentioning the names of the signatories of this undertaking emerges in the forthcoming chapters. The Second Round Table Conference concluded its deliberations on 4 February 1932 and published a joint communique on 5 April 1932, simultaneously in South Africa and India. Paragraph 3 of the joint communique, wherein both governments agreed to co-operate in exploring the possibilities of a colonization scheme, embodied the most significant conclusion of the Round Table Conference.<sup>111</sup> It was a triumph for the Union government to have obtained the blessing of the government of India and the SAIC in an enquiry designed to reduce the South African Indian population to an irreducible minimum. General reaction in India was not favourable. The Indian intelligentsia saw the agreement as a "gross betrayal of the Indian interests in South Africa." Local opposition to the agreement was voiced through various responsible organisations.<sup>112</sup>

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110. UG23, *Report of the Indian Colonization Committee*, 1934, paragraph 14, p.5.

111. Pachai, *International Aspects*, p.294.

112. Joshi, *Tyranny*, p.191.

Without undue delay, the Union government, eager to see the Joint Commission of Inquiry put into practice, enquired from the SAIC whether they would co-operate and if so whether they would be willing to recommend a representative of the Indian community to participate in the proposed investigation.<sup>113</sup> However the SAIC did not share the Union government's urgency and forced the Minister of Interior to apply pressure when he gave the SAIC fourteen days to attend to the matter, drawing attention to their considerable delay.<sup>114</sup> The SAIC took note of the urgency of the ultimatum and responded by telegram stating that they agreed to accept the invitation and that an appointment of a representative would follow.<sup>115</sup> This decision was taken by resolution at a conference of the SAIC in Johannesburg in August 1932.<sup>116</sup> This resolution reaffirmed the SAIC's position in the matter and appeased the Minister of Interior, Dr.D.F.Malan, who was eager to see the fruits of his efforts materialize. Communication with some South American governments commenced, focusing mainly on Brazil.<sup>117</sup> Brazil was not in favour of a colonisation scheme and the Union government did not see much hope in British Guiana.<sup>118</sup> Mr.G.H.Nicholls, member of the South African delegation to the second Round Table Conference, revived discussion on the question of Indian colonisation. He asked Dr.D.F.Malan to report to the Assembly on the progress made thus far by the Union government in accordance with the decisions taken at the Second Round Table Conference.<sup>119</sup> Dr. Malan reported that the SAIC had been ap-

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113. Central Archives Depot, Pretoria, BNS 1/1/357 file 119/74, Secretary for the Interior-SAIC, 18 April 1932.

114. CAD, BNS 1/1/357 file 119/74, Dr.D.F.Malan - SAIC, 18 August 1932.

115. CAD, BNS 1/1/357, file 119/74, Telegram SAIC - Dr. D.F.Malan, 1 September 1932.

116. CAD, BNS 1/1/343, file 69/74, Resolutions of Conference (SAIC), August 1932.

117. Joshi, *Tyranny*, p.193.

118. Pahad, 'Indian Political Movements', p.115.

proached regarding participation in the Inquiry and after a delay of several months, indicated their desire to be associated with the Inquiry. The Union government had also approached the government of Brazil in the above regard but their response was in the negative as they considered the proposal undesirable at that time. Dr.Malan also mentioned that informal consultations had been held in London on the possibility and feasibility of a colonisation scheme in British Guiana and that the matter was under consideration.<sup>120</sup> Despite their assurances, Mr.Heaton Nicholls accused Dr.D.F.Malan of totally ignoring the agreement. (His accusation was of course unfounded.) He expressed regret that nothing had been done in connection with the appointment of the Commission as agreed upon and accepted that the Coalition government would pursue the matter.<sup>121</sup>

This accusation could not be ignored by the government. However the government was experiencing serious problems following Hertzog's refusal to abandon the gold standard. Realising that his position was in jeopardy, Hertzog joined hands with Smuts to form the Coalition government. The Coalition government attracted the bulk of the National Party and the bulk of the South African Party whose leaders were Hertzog and Smuts respectively. Those who did not support the National party became the official opposition under the leadership of Dr.D.F.Malan, whilst those who did not support the South African party formed the Dominion party under the leadership of Colonel Stallard. General Hertzog retained premiership with General Smuts as deputy premier and Minister of Justice and Mr.J.H.Hofmeyr became the Minister of Interior, under whose jurisdiction came Indian Affairs.<sup>122</sup> Jan Hofmeyr's appointment to the Hertzog

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119. *House of Assembly Debates*, 17 February 1933, col.794.

120. *Ibid.*

121. *Indian Opinion*, 7 April 1933.

122. Oswald Pirow, *James Barry Munnik Hertzog*, (Cape Town,n.d.), pp.148-158; Henry Gibbs, *Twilight in South Africa*, (London, n.d.), pp.175-176; Calpin *Indians in South Africa*, p.187.

cabinet as Minister of Interior was viewed as auspicious by many; there were hopes that relations with the South African Indians would be enhanced. Though an Afrikaner by birth, Hofmeyr became associated with fellow Indian students whilst studying at Oxford University. A tour of India helped him understand the Indians more fully than most of his colleagues and as a result he appreciated the problems and culture of the Indian community. The Indians thus regarded him well and expected a great deal from him.<sup>123</sup>

South African Indians responded with mixed feelings to the establishment of the new Coalition government. Could they foresee a future of happiness that would bring them relief or would the coalition prove harsher and impose further disabilities upon them?<sup>124</sup> The new government was under pressure from certain quarters in Natal and succumbed to the demands of Nicholls and other prominent Natal politicians in making the necessary arrangements for establishing the Indian Colonization Committee.<sup>125</sup> Negotiations between the governments of South Africa and India commenced with reference to the appointment of the Joint Commission of Inquiry but the latter government expressed preference for a "...preliminary investigation to be limited to a selection of countries to be explored and to be conducted departmentally."<sup>126</sup> The Viceroy also indicated that the Agent General should not be a party to any departmental committee but offered the Agent General's full co-operation on an informal basis to the Minister and the committee.<sup>127</sup> This move on the part of the government of India was in violation of the Joint Communique of 1932 and an indication of their reluctance to pursue the matter. In terms of the Joint Communique the SAIC was to co-operate with the governments of India and the

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123. De Villiers, *South Africa Drawn in Colour*, p.60.

124. *Indian Opinion*, 26 May 1933.

125. Pahad, 'Indian Political Movements', p.116.

126. CAD, BNS 1/1/357, file 119/74, Telegram GG(Cape Town) - Viceroy (India), 28 April 1933. Telegram Viceroy (India) - GG(CapeTown), 3 May 1933.

127. CAD, GG 15/1469, Telegram Viceroy (India) - GG (Cape Town), 8 June 1933.

Union in the government of India's mission to explore outlets for colonisation with regard to her increasing population. The attitude of the government of India in not upholding its undertaking to participate in a joint commission was opposed to the spirit of the negotiations and this constituted a violation of the Joint Communique.

On 15 June 1933 the Minister of the Interior, Mr.J.H.Hofmeyr, announced the appointment of the Indian Colonisation Inquiry Committee. It was constituted as follows:

Mr. James Young, ex-chief magistrate of Johannesburg, as chairman; Mr.G. Heaton-Nicholls, member of Parliament for Zululand; a representative of the South African Indian community to be nominated by the SAIC and Mr. P.F.Kincaid, Commissioner for Immigration and Asiatic Affairs.

Its term of reference was:

"To undertake a preliminary investigation in South Africa ... for the exploration of the possibilities of a colonisation scheme for settling Indians , both from India and South Africa, in other countries, and to report as to the other country or countries in which further investigation as to the successful operation of such a scheme might advantageously be made ..."<sup>128</sup>

The SAIC had to fulfil its side of the undertaking and in response to a letter dated 16 June 1933<sup>129</sup> from the Secretary for the Interior, held a meeting of its executive on 9 July 1933 to discuss the appointment of the Committee and to elect a representative of the Indian community to serve on the Committee.<sup>130</sup>

The executive elected Mr.S.R.Naidoo (joint secretary of the SAIC) by a majority of votes , to represent the South African Indian community on the Indian Colonisation Inquiry Committee - a full year after it had been decided to -----

128. *House of Assembly Debates*, 15 June 1933, col.966-967.

129. CAD, BNS 1/1/357, file 119/74, SAIC -Secretary for the Interior, 14 July 1933.

130. CAD, BNS 1/1/357, file 119/74, Secretary for the Interior - SAIC, 16 June 1933.

participate in the Inquiry Committee. Mr.Sorabjee Rustomjee, honorary treasurer of the SAIC said that no discussion should be entertained on the question of participation, as the SAIC Conference of August 1932 had pledged its support and thus on principle the SAIC was bound to appoint its representative. He also viewed participation as an opportunity of historical significance in that the government had appointed a member of the Indian community to serve on a government committee of inquiry. He stated that any reservations on the question of participation would be viewed as a "lack of courage."<sup>131</sup> A.I.Kajee, joint secretary of the SAIC, was equally vociferous in his argument. He expressed the view that as "practically minded men" it would be senseless and irrational to decide to withdraw from the undertaking given by the SAIC to both the South African government and the government of India in terms of which the SAIC agreed to co-operate in the colonisation inquiry. He said that "...expediency appealed to him more than talk of conscience and self-respect."<sup>132</sup> Manilal Gandhi denounced the proposed colonisation inquiry and said that although he was co-signatory to the "undertaking" of the SAIC in August 1932 he now regretted being party to it. He condemned the previous speaker saying that "conscience and self - respect" were of vital importance for the continued existence of the Indian in this country.<sup>133</sup> Agent-General Singh advanced various arguments to influence the SAIC to co-operate with the joint committee of inquiry. He emphasised that it was an unprecedented move for an Indian to be a member of a government appointed committee and that the Indians should not lose the opportunity. He urged the SAIC members: "Please do not look upon everything with sentimentalism and idealism. I would rather look at things from a practical standpoint". Singh threateningly pointed out that if Congress did not co-operate it would be difficult for him to negotiate any concessions for Indians from the South African government.<sup>134</sup>

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 131. *Indian Opinion*, 14 July 1933.

132. *Ibid.*

133. *Ibid.*

134. Mesthrie, 'From Sastri to Deshmukh', p.157.

On a majority vote the SAIC executive decided to co-operate and gave three reasons: firstly because the colonisation inquiry was merely a preliminary investigation, secondly that this was a precedent in that an Indian had been appointed on an Inquiry Committee and finally on the basis of the undertaking given by the SAIC in August 1932. The majority vote in favour was constituted as follows: S.Rustomjee; B.L.E.Sigamoney; A.I.Kajee; M.Abed; M.D.Barmania; V.Lawrence; A.Christopher and S.R.Naidoo. There were two abstentions with one dissentient vote, that of Manilal Gandhi. This decision was communicated by letter to the Department of the Interior.<sup>135</sup> Mesthrie concludes that when the SAIC met to ratify S.R.Naidoo's nomination to the Inquiry committee it was possible that they may have contemplated the possibility that an SAIC boycott of the Inquiry could yield the same consequences as the SAIC's boycott of the Feetham Commission. They may have feared that the Agent-General may resort to creating another rival body like TICA.<sup>136</sup>

Those who voted in favour of co-operation with the Inquiry expressed favourable sentiments concerning the proposed colonisation scheme. Christopher was the exception. He said that "...as an Indian he had been born in the Union and he would die here and there was no necessity to leave the Union."<sup>137</sup> Mesthrie's assessment of Manilal Gandhi's and Christopher's opposition to participation goes beyond the established factual aspect viz. that the original undertaking was accepted on the understanding that the Indian government was to be represented on the committee. Mesthrie claims that their opposition reflected the deep seated conflict within the petty bourgeoisie "as they pulled in two directions, towards the ruling class or downwards to the work-

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135. CAD, BNS 1/1/357, file 119/74, SAIC - Secretary for the Interior, 14 July 1933.

136. Mesthrie, 'From Sastri to Desmukh', p.159; see Chapter 4, pp.110-111.

137. *Indian Views*, 14 July 1933. (The first issue of this newspaper appeared in July 1914 in three languages: English, Gujarati and Hindi. Founded and edited by Mr.C.M.Anglia to report on events in India. Served as an active protest newspaper supporting NIC and SAIC policy.)



ing class". Christopher's concerns centred around his belief that the Indian government was exploiting the working class "as pawns to obtain benefits from others".<sup>138</sup> The *Indian Views* editorial, captioned "A Disastrous Step", severely criticized the government's action in appointing the Colonisation Inquiry Committee, describing it as a "nefarious scheme." It urged the leaders to bury their differences and unite in agitation and treat the scheme as a "grave crisis in the history of the South African Indian."<sup>139</sup>

A volcano of hostility erupted over the colonisation issue between supporters and non-supporters of the SAIC's policy. The first sign of such hostility came in the form of a request to the joint honorary secretaries of the NIC, dated 14 July 1933 and signed by 14 committee members, to hold a special general meeting of the Indian community, for the purpose of protesting against the proposed colonization scheme. This request was made in terms of rule no. 29 of the NIC constitution.<sup>140</sup> An executive meeting of the NIC was duly summoned to consider the requisition on 18 July 1933 under the chairmanship of Mr. B.A.Meghraj. Incidentally Meghraj was also a signatory to the request made in terms of rule no. 29. The motion of Mr. B.M.Patel, that the issue should have been handled at an emergency meeting of the SAIC, was carried unanimously.<sup>141</sup> It was ironical that not even Meghraj, who, as pointed out, was a signatory to the request, voted against the motion of Patel.

On account of the high - handed action of the NIC executive, which came as a shock to the signatories of the abovementioned request, it was decided to call a mass gathering of colonial - born Indians as they considered the issue of -----

138. Mesthrie, 'From Sastri to Deshmukh', pp.159-160.

139. *Ibid.*

140. *Indian Opinion*, 21 July 1933. Rule 29 reads as follows :

"The secretaries shall call a special general meeting of the community on receipt of a requisition signed by no less than nine members of the committee stating the reasons for calling of such a meeting ... within 30 days of the receipt of the requisition giving due notice of the reasons for calling same."

141. *Indian Opinion*, 21 July 1933.

vital importance to them. The colonial - born Indians also felt that their interests were being neglected. These factors prompted the colonial-born Indians to take independent action in order to express their dissatisfaction since the NIC was not prepared to accommodate them.<sup>142</sup>

Accordingly, a mass meeting of the colonial-born Indians was scheduled to be held in Durban on 23 July 1933 for the purpose of:

- "(1) protesting against any colonisation scheme for South African Indians and any Enquiry in connection therewith ;
- (2) condemning the action of the Natal Indian Congress in refusing to call a mass meeting in terms of a requisition ;
- (3) considering the question of unemployment."<sup>143</sup>

The poster was signed by 22 leading Indians including Christopher, M.M.Gandhi, P.R.Pather, and S.L.Singh.<sup>144</sup>

Incidentally only 5 of those who signed the requisition in terms of rule 29 signed the abovementioned poster. It might have been expected that all those who had signed the requisition would also have been signatories to the poster, which represented the first recognizable attempt by the colonial-born Indians to voice their own feelings independently of the NIC and the SAIC. It represented the first major split within the NIC a split that was to widen and dominate the next six crucial years in the history of the Indian community in South Africa. This period was marked by rivalry, conflict and disunity despite reconciliation attempts.

The mass meeting was successfully held under the banner of "Colonial-Born Indians" on 23 July 1933. Its success can be estimated by the enthusiasm and the fully representative nature of the gathering that packed the hall to capacity. The SAIC and the NIC were represented by some of their most senior office bearers. The Agent-General, Kunwar Sir Maharaj Singh was also present.<sup>145</sup> The Agent-General maintained a low profile and failed to make any decisive comment on the issue. It must be assumed that his scope was limited

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142. *Ibid.*

143. CAD, BNS 1/1/357, file 119/74, Copy of Poster.

144. *Ibid.*

by his government's policy and he therefore did not wish to adversely prejudice the issue and his government's position. The main resolution which was moved by Christopher, read as follows:

"That this meeting of colonial-born Indians protests against the Inquiry having for its object a scheme of colonisation for Union Indians in other countries and protests, furthermore, against the continuance of the assisted emigration scheme."<sup>145</sup>

In justification of his motion, Christopher explained briefly why the SAIC had originally agreed to co-operate with the Inquiry Committee, and then went on to highlight the departure embodied in the Union's appointment of the Inquiry Committee with the exclusion of the government of India as the fundamental reason why the Indians could not uphold their undertaking.<sup>147</sup> Christopher was obviously unaware of the negotiation between the Viceroy of India and the Governor General of the Union, in terms of which the government of India had been party to this arranged exclusion.<sup>148</sup> It would have been interesting to know if knowledge of these "secret" negotiations would have affected the colonial-born Indians' decision not to uphold the SAIC's undertaking.

In total almost 30 speakers addressed the meeting.<sup>149</sup> The leaders of the SAIC and the NIC were given every opportunity to state their case. All spoke in favour of co-operating with the committee of inquiry. In defending the

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145. *Natal Advertiser*, 24 July 1933 ; *Indian Opinion*, 28 July 1933 ; *Indian Views*, 4 August 1933.

146. *Ibid.*

147. *Indian Views*, 4 August 1933.

148. CAD, BNS 1/1/357, file 119/74, Telegram Viceroy (India) - GG (Pretoria), 3 May 1933; see also p.24 for details of negotiations between both governments.

149. *Natal Advertiser*, 24 July 1933.

standpoint of the SAIC, A.I.Kajee moved an amendment to the original motion of Christopher, "...that this mass meeting whilst opposed to any scheme of colonization in countries outside the Union agrees to co-operate with the Inquiry Committee." The amended motion received 56 votes out of an assembly of approximately 1000. Christopher's motion was accepted by a clear majority.<sup>150</sup> Pietermaritzburg Indians joined in the chorus of opposition in protesting against the Colonisation Inquiry Committee at a meeting held on 30 July 1933 under the auspices of the Young Men's Club of Pietermaritzburg. Mr.S.Muthray, the leading speaker criticized the SAIC for what he considered unconstitutional behaviour in acting without a mandate from the people.<sup>151</sup> He also pointed out that whenever any issue was involved, although the target of the White was the Indian trader who threatened his security economically, the poorer Indian bore the brunt of compromises reached. The poorer classes were always easily enticed by attractive offers made by the government, such as free passages and bonuses. The motion of Mr.Muthray "That any endeavour by the South African Indians in the direction of co-operating ... was totally undesirable and unworthy..." was carried unanimously.<sup>152</sup>

The Indian press was unanimous in their objection to the scheme and some papers deplored the connivance of the government of India. All these papers emphasized and were equally unanimous in concluding that the Union government's real intention was to get rid of the Indian population without consideration of where they could go.<sup>153</sup> Press criticism both locally and abroad, the meetings in Durban and Pietermaritzburg and the rising tide of opposition in Natal put pressure on the NIC executive to discuss the matter. NIC's president, Mr.J.W.Godfrey had recognised this need since the Durban mass gathering of colonial - born Indians. He expressed this view in an interview

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150. *Ibid.*; *Indian Views*, 4 August 1933; *Indian Opinion*, 28 July 1933.

151. *Indian Views*, 11 August 1933.

152. *Ibid.*

153. *Indian Opinion*, 28 July 1933. Extracts from : *The Bombay Chronicle*; *The Leader*(Allahabad); *The Hindu*(Madras) and *The Indian Express*, as quoted in this edition of the *Indian Opinion*.

with the *Natal Advertiser*.<sup>154</sup> Godfrey stated that once the NIC executive discussed the matter a report would be directed to the SAIC with a view to calling a special conference "...to thrash the whole matter out."<sup>155</sup> It is therefore apparent that the need for an emergency conference of the SAIC had been recognised. The proceedings and resolutions adopted at the colonial-born Indians meeting were a clear indication of a vote of no confidence in the SAIC and the NIC. The credibility of the SAIC and NIC was shaken by these recent developments and it was thus imperative for them to take a bold step in an attempt to regain the confidence of the Indians whom they claimed to represent. Consequently, an emergency conference of the SAIC was held in Johannesburg on 19 and 20 August 1933.<sup>156</sup> The problem was mainly that of the Natal Indians yet the venue chosen was Johannesburg and not Durban. This was probably deliberately done to ensure a trouble-free meeting but the SAIC's decision on this point received severe criticism. It was claimed that the choice of Johannesburg would lead to exorbitant expense in transporting delegates to the Transvaal.<sup>157</sup> Agent-General Kunwar Sir Maharaj Singh in officially opening the two-day conference expressed his sincere desire that the conference would enhance unity amongst Indians in South Africa.<sup>158</sup>

The conference reaffirmed its resolution to co-operate with the Colonization Inquiry Committee, with 68 votes in favour and 8 against participation. This reaffirmation of the SAIC's policy led the Indian community in South Africa, especially in Natal, into two separate camps which in turn led to the formation of a new organization representing those who opposed the policy of the SAIC in relation to the colonization issue.

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154. *Natal Advertiser*, 24 July 1933.

155. *Ibid.*

156. *Indian Views*, 25 August 1933.

157. *Indian Opinion*, 18 August 1933.

158. *Indian Views*, 25 August 1933.

The role of the government of India can be evaluated by considering the performance of the Agent General, who had the backing of the SAIC. Although India clearly did not want to get involved or choose sides in South African Indian affairs, it did express greater sympathy with the SAIC because it was believed that the SAIC enjoyed majority support. The White press reaction can be estimated from the reports of the *Star* (Johannesburg) and the *Natal Advertiser*. The *Star* welcomed the decision of the SAIC as one of common sense while expressing sympathy with the feelings and the expression of the anti-SAIC group. They saw the latter group's protest as harmful to the cause of the Indian community. The Indian community were urged to face the reality of the situation which had political and economic repercussions especially in Natal.<sup>159</sup> *Natal Advertiser* saw the decision of the SAIC as a "wise one" and urged the Indians to unite and thus strengthen their case.<sup>160</sup> Numerous protest meetings were held objecting to the SAIC resolution and the proposed principle of colonization. Such meetings were held at various towns including Kimberley, Tongaat, Stanger, Clairwood and Verulam.

The decision of the SAIC in reaffirming its resolution at the emergency conference did little to appease those who believed in non-cooperation but instead incensed them into taking a more decisive stand. During the period 1933-9 the NIC, which had been established by Mahatma Gandhi in 1894, faced for the first time a formidable challenge to its authority and credibility in claiming to represent the aspirations of the Indian community in Natal. This challenge came in the form of a breakaway organization, the Colonial-Born and Settlers' Indian Association.

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159. *Star* (Johannesburg), 21 August 1933.

160. *Natal Advertiser* August 1933.

## CHAPTER TWO

### THE COLONIAL - BORN AND SETTLERS INDIAN ASSOCIATION (CB&SIA) AND THE COLONIZATION SCHEME

THE FORMATION OF THE CB&SIA ; MANIFESTO, CONSTITUTION AND MEMBERSHIP OF THE  
CB&SIA ; COMPOSITION OF THE CB&SIA ; THE CB&SIA'S CAMPAIGN AGAINST THE INDIAN  
COLONIZATION INQUIRY AND THE REACTION THERETO ; ASSESSMENT OF THE CB&SIA CAM  
PAIGN.

## FORMATION OF THE CB&SIA

The idea of the CB&SIA was initiated at a meeting of Durban Indians held on 22 August 1933, with Mr. Albert Christopher as its Chairman.<sup>1</sup> The Association was established primarily because matters of vital importance, especially the colonisation issue, which affected colonial-born Indians had been neglected and also because the colonial-born Indians expressed the view that if the NIC was not prepared to accommodate their interests then they would have to undertake independent action to express their dissatisfaction.<sup>2</sup> This reaction on the part of the colonial-born Indians was in direct response to the decision of the executive committee of the NIC not to consider favourably a request of 14 of its officials who had called for a special general meeting of the Indian community for the purpose of protesting against the proposed colonisation inquiry, set up to consider possible outlets for South African Indians in other countries.<sup>3</sup>

The *Natal Advertiser* attributed the cause of the founding of the CB&SIA to "the impotence of the Congress in not opposing vigorously and with stamina the question of colonization."<sup>4</sup> *Indian Opinion* stated, as the cause of the founding of the Association, that "the leaders were getting more and more imbued with the doctrines of the autocrat, and considering 'self' of more importance than 'service'".<sup>5</sup> Mesthrie's evaluation of the formation of the Association focusses on the effect the split in the NIC had on the image of Congress in that "The political re-grouping in Natal was a severe setback for the Congress and turned the clock back to the colonial period, when the NIC had the image

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1. *Indian Opinion*, 25 August 1933.

2. *Indian Opinion*, 31 July 1933.

3. See above Chapter 1, p.38.

4. *Indian Opinion*, 19 January 1933.

5. *Ibid.*



of being an exclusive organisation of Gujarati traders, while other organisations comprising a newly emerging elite took up the interests of the lower strata".<sup>6</sup> Although these may represent the more immediate causes, the need for the colonial-born Indians to have their own organization was recognized as early as 1894 at the time when Mahatma Gandhi helped to establish the NIC. At this time the Colonial-Born Indian Educational Association was founded by the NIC to see to the needs of the colonial-born educated Indians. The membership fee was nominal and its members were mostly educated youths. It served to air their needs and dissatisfaction, to stimulate discussion, to bridge the gap between the colonial-born Indian and the trading class and also afford them scope for service in the community.<sup>7</sup>

#### MANIFESTO , CONSTITUTION AND MEMBERSHIP OF THE CB&SIA.

The Association published its manifesto, constitution and rules, which had been formalized on 17 September 1933, in the *Indian Opinion* on 22 September 1933. The manifesto commences with the Association's declaration that : "Indians born in this country and those who have made this country their permanent home, have the indisputable right to remain in this country."<sup>8</sup> The nine points of the manifesto declared the policy of the Association. It dealt with all aspects related to the continued existence of Indians in South Africa and was directed at upholding their 'indisputable right'. The Association declared that it was committed to opposing the colonisation scheme and that it would fight for the abolition of the Assisted Emigration Scheme. The Association was to safeguard, protect and maintain existing rights and to win back the rights of which they had been deprived, especially the franchise; to concentrate on the educational and social upliftment of the poorer classes of In-

6. Mesthrie, 'From Sastri to Deshmukh', p.161.

7. See above Chapter 1, p.9.

8. CAD, GG. vol. 919, File no. 15/1475, Manifesto, Constitution and Rules of the Colonial-Born and Settlers' Association, see annexure B

dians; to work for the modification of the 'white labour policy' and organize Indian labour to take its rightful place in the industrial fabric of South Africa; to further educational facilities especially in the technical, industrial and agricultural fields; to offer themselves for enrolment in the defence of the country and to counteract any illegal entry into South Africa. The constitution of the Association had objectives which were fundamentally the same as its manifesto, with the added proviso that it would work for the improvement of Indian farmers, especially the peasant farmers, and for better trading facilities. The objectives of the Association represented the high ideals of this body and were to require incessant perseverance in order to achieve their fulfilment. The policy of the Association was to adhere to western standards of life subject to the retention by its members of their religions and their language. Membership was open to Indians who were introduced into Natal by the indenture system, Indians who had permanent lawful homes in South Africa and all South African born Indians of both sexes who were 21 years of age and over. Subscription was set at 2 shillings and six pence (2/6) per annum and was payable by all registered members. To cater for the unskilled worker in the mines, railways and estates or the farm labourer, the annual subscription for these members was set at the rate of 1 shilling. It is evident that the Association tailored its subscription to suit all Indians in an attempt not to exclude any section of the Indian community. Incidentally, when the NLC was founded in 1894, 39 years earlier, the minimum subscription was fixed at three pounds per annum.<sup>9</sup> In 1928 the membership fee was dramatically reduced to two shillings and six pence (2/6) per annum in an attempt to encourage wider support. Mesthrie concludes that "...Congress politics were the politics of a more privileged group, and it could not claim the support of Indians from all strata of society."<sup>10</sup>

It is therefore clear that the Association was prepared to embrace every section of the Indian community from the very outset in order to uphold its primary objective, namely, "to organize into one brotherhood, all who have been born in South Africa and have permanent homes in South Africa."<sup>11</sup>

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9. See above, Chapter 1, p.9.

10. Mesthrie, 'Cape Town Agreement', p.5.

The use of the word "brotherhood" should in no way be construed to exclude women because the Association deliberately attempted to encourage women involvement. They provided in the constitution for the establishment of "women's auxiliaries" and further as a temporary measure, members of the women's auxiliaries were not required to pay a subscription. This exemption should not be construed as a slur on women but a consideration of the financial strain experienced by the breadwinner who was customarily the male, in the Indian family. The fact that the year 1933 was in the midst of a period of economic depression probably also influenced the Association's decision. Notwithstanding, the constitution did not discriminate on the grounds of gender. Qualification for membership of the Association specifically included, *inter alia*, "South African born Indians regardless of sex subject to their being 21 years of age or more."<sup>12</sup> It would appear therefore that the provision of the women's auxiliaries was deliberately created to accommodate those women who could not afford membership fees but who wished to participate in the activities of the Association. On the contrary, the NIC's constitution denied women the right to become members of the organisation. However at the first meeting of the executive of the nationalistic bloc of the NIC under the president Dr.G.M.Naicker "...an urgent amendment was made to the archaic constitution, whereby women were given full membership on an equal basis with men."<sup>13</sup> Goonam recalls that it was only then that she paid her subscription and went on a campaign to enlist women members to the Congress. More importantly, it shows that the Association was more democratic in that the constitution provided for membership irrespective of gender.

Arkin, in examining the potential and actual size of the Indian labour force, established that not all the potential working population was employed. He indicates that the proportion of economically active Indian men decreased from 90,7 percent to 88,4 percent and that of the Indian women increased from 7,3

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11. See annexure B, *OBJECTS*.

12. See annexure B, *Constitution*.

13. An autobiography by Dr. Goonam, *Coolie Doctor*, (Durban, 1991), p.101.

percent to 8,7 percent for the years 1936 and 1946 respectively. Arkin asserts that Indians had a smaller proportion of economically active people as the number of Indian women participating in the economy was much lower than for other race groups.<sup>14</sup> Freund divides the various periods in the historic experience of Indian women's work in South Africa to project the pattern that evolved. During the period of indenture, the family structures typical of Indian society were destroyed as a consequence of the system of indenture which did not necessarily keep family units together. The movement out of indenture promoted the need to create a new family formation wherein women actively participated as petty farmers, as petty traders and as craftworkers. However, in the successful extended family formation, "it was preferable for economic as much as for cultural reasons that women be at home rather than at work for a boss". Freund also concludes that fewer Indian women were wage workers than any other race group.<sup>15</sup>

In pursuance of its objectives and policy the Association was to be handicapped in respect of monetary support. It was therefore imperative for the leaders to follow their cause in an honest and sincere manner, in order to overcome this envisaged handicap by drawing wide support both in terms of money and members. Although the Association may have had the support of the majority of Indians in Natal this majority did not include many of the wealthier Indians.<sup>16</sup> The well constructed and defined constitution indicates that the Association intended to approach and articulate the cause of its people in an organized and professional way. The Association recognized the need not only to mobilize its forces but to organize these forces into branches. To this end they devoted attention in the constitution to rules governing the establishment of branches. Other areas covered by the constitution included of-

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14. Arkin, 'Contribution of Indians', pp.132-133.

15. Bill Freund, 'Indian Women and the Changing Character of the Working Class Indian Household in Natal 1860-1990', *Journal of Southern African Studies*, vol.17, No.3, September 1991.

16. Pahad, 'Indian Political Movements', p.121.

ficials; committees; the executive; the annual general meeting; management; funds and the control thereof; meeting procedures and minute books; mass meetings and the rules governing the handling thereof.<sup>17</sup> An examination of these areas indicates that the Association had given serious consideration to all significant aspects which would affect the daily functioning of the Association and its ability to articulate the position of its supporters.

The Association was formed on 22 August, the constitution drawn up on 17 September and the officials elected on 27 October 1933. During the period under review a lack of sound administration, the neglect of accepted protocol and related policy was evident throughout. The reason can perhaps be attributed to the fact that most officials of the Association were not full-time functionaries, and their participation in 'politics' totally voluntary, and usually involved great personal sacrifice. There is glaring evidence of a lack of financial resources and the necessary infrastructure when one attempts to extract material for research, because there was little or no record keeping. This has been a limiting factor in establishing further substantiation to back newspaper reports.

#### COMPOSITION OF THE ASSOCIATION.

The executive committee of the Association was constituted as follows: chairman, A.Christopher; vice - chairman, M.M.Gandhi; joint honorary treasurers, Messrs K.K.Pillay and P.G.Naicker and the joint honorary secretaries were Messrs S.L.Singh, Ajum Haffejee and M.John. The executive committee was delegated with the responsibility to act in all cases of emergency and report back to the main committee.<sup>18</sup>

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17. See annexure B, *CONSTITUTION*.

18. KCL, 'Agenda Book', First Natal Provincial Conference, Colonial-Born and Settlers' Indian Association, held at Durban on 31 December 1933 to 2 January 1934.

Members of the provisional working committee of the CB&SIA were : Messrs L. Gabriel, P.R.Pather, C.N.M.Khan, M.Tajmoon, N.K.Chetty, S.P.Nicholas, P.B.Singh, E.M.Chin, C.R.Naidoo, R.N.Naidoo, D.S.Chetty, M.B.Lazarus, Isaac David and S.O.Moodley. This provisional committee was established in order to assist the executive committee. Although there were no defined functions assigned to this body, it can be assumed that in the early stages of launching the Association there was a need to get assistance in drawing up the constitution and attending to the day-to-day issues that would naturally face a newly formed organisation.

The election of these officials was undertaken at a general meeting of members of the Association held in Durban on 27 October 1933.<sup>19</sup> This election of officials was accomplished in terms of the constitution which provided that, "The officials and members of the Committee and Executive shall be elected by the annual general meeting and shall hold office until their successors are elected. In the event of any vacancy it shall be filled by the committee subject to confirmation at the next general meeting of the Association."<sup>20</sup> Of the aforementioned members of Association the executive committee, Albert Christopher was a Durban-born advocate while Manilal Gandhi, Mahatma Gandhi's second son, was the editor of the *Indian Opinion*. Both men had participated in the Passive Resistance campaigns of 1906 and 1914. Christopher, on returning from England at the end of 1927, after having been admitted to the bar at Lincoln's Inn, emerged at the forefront of South African Indian politics. He was elected as the president of the South African Indian Congress (SAIC) in 1928. M.John, who was born in Stanger was an employee at a commercial trading company, while P.G.Naicker was a wholesale fruit and general dealer. P.R.Pather, born in Mauritius, was a land and estate agent ; P.B.Singh, born in Pietermaritzburg, managed a tearoom, and S.L.Singh, born in Durban was self employed.<sup>21</sup> It is assumed that all these men were resident in Durban to facilitate the function of the executive, which was to "act in all cases of

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19. KCL, Agenda Book, First Natal Provincial Conference, Colonial-Born and Settlers' Indian Association, held at Durban on 31 December 1933 to 2 January 1934.

20. See annexure B, *ELECTION*

emergency". The Pietermaritzburg branch committee members represented a cross section of the community including employees of the Pietermaritzburg Council, brickmaking industry, shops, railways, catering and liquor industry and business concerns, as well as taxi operators, mechanics, farmers and market gardeners.<sup>22</sup> The varied and representative character of the Pietermaritzburg branch committee justifies the comment made by Pahad that, "the Association was also concerned to create the impression that it was organizing in the interest of the Indian working class and poor farmers."<sup>23</sup> Mesthrie's analysis of the structures of the Association coincide with Pahad's. Mesthrie goes further to justify the assertion that the Association's intention to be as representative as possible and to capture a broader constituency than the NIC is reflected in Manilal Gandhi's attempt to change *Indian Opinion's* image by re-introducing Tamil and Hindi columns, in addition to the regular Gujarati and English.<sup>24</sup> The *Indian Opinion* was regarded as the official mouthpiece of the Association.

The Association provided in its constitution for the establishment of branches as follows: "Any 50 or more members or persons eligible for membership may apply to the General Committee for permission to form a branch." Branches and branch committees were accorded the power to do whatever was necessary to fulfil the policy and the objects of the Association subject to its regulations and resolutions. Branches were also required to keep the headquarters informed of their affairs by regularly submitting copies of their minutes of meetings, annual reports and financial statements.<sup>25</sup>

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21. D.Bramdaw (compiler and editor), *The South African Indians Who's Who and Commercial Directory*, (Pietermaritzburg, 1939), pp. 102-232.

22. *Indian Opinion*, 16 November 1934

23. Pahad, 'Indian Political Movements', p.122.

24. Mesthrie, 'From Sastri to Deshmukh', p.162.

25. See annexure B, *CONSTITUTION and RULES*.

Agent-General, Kunwar Sir Maharaj Singh, in analysing the membership of the Association said that, "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-operators."<sup>26</sup> However, proof that this assertion is unfounded is evidenced in the success that the Association enjoyed among all sections in the major centres, namely, Durban and Pietermaritzburg.<sup>27</sup> In addition, the composition of the executive and provisional working committee appears to represent a cross section of the community, which was drawn from all socio-economic levels, irrespective of class, caste and religious groups.<sup>28</sup> After the split the NIC essentially represented the Gujarati, Muslim and Hindu commercial elite whilst the Association essentially represented the Christian and Hindu colonial-born people, many of whom were professional men, petty entrepreneurs and white collar workers. Mesthrie also points out that the name of the Association emphasises the distinction being made between Indians who considered South Africa as their permanent home and those amongst the commercial elite who did not make the same commitment.<sup>29</sup>

#### THE ASSOCIATION'S CAMPAIGN AGAINST THE INDIAN COLONIZATION INQUIRY COMMITTEE AND REACTION.

The Association declared its policy to oppose the Colonization Scheme and fight for the deletion of the Assisted Emigration Scheme from the statute-book, a goal towards which it immediately directed its energies. In the course of this campaign the Association would inevitably cross swords with the SAIC, the NIC, the South African and Indian governments and their representatives. At its meeting of 22 August 1933 a decision was taken to hold a mass meeting

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26. Pahad, 'Indian Political Movements', p.121.

27. See Chapter 3.

28. See above p.51.

29. Mesthrie, 'From Sastri to Deshmukh', p.161.



on Saturday, 26 August 1933 to protest against participation in the Indian Colonization Inquiry Committee and also to dissociate itself from those delegates who represented the Natal Indians at the Emergency Conference of the SAIC, which was held in Johannesburg on 19 and 20 August 1933 to test its resolution to participate in the Colonisation Inquiry Committee.<sup>30</sup>

In an attempt to cut the ground from under the feet of the dissident Association, the NIC also scheduled a meeting for the purpose, "firstly of offering prayers for the health of Mahatma Gandhi and secondly to explain the standpoint of the Congress on the Colonization Scheme." This meeting was, however, scheduled for Thursday, 24 August 1933, two days before the Association had scheduled their meeting. This step was criticized in an editorial in *Indian Views*. It was claimed that it was unusual and unconstitutional for the NIC to give only one day's notice for the meeting. The allegation was made that it was a "cheap trick" for the NIC to have used the name of Mahatma Gandhi to attract a crowd.<sup>31</sup> It would have been more appropriate for the leaders of the opposing groups (CB&SIA and NIC) to have buried their differences and worked hand-in-hand to find a reasonable *modus operandi* to work out their differences. The NIC's dogged adherence to its initial resolve merely added fuel to an already smouldering fire.

As scheduled, the mass meeting held under the auspices of the NIC on Thursday, 24 August 1933 in Durban attracted some 4000 people including a substantial number of rowdy Association supporters. It turned out to be a most disorganized meeting. Speakers were interrupted and were not given a fair hearing. Manilal Gandhi, P.R.Pather and Albert Christopher, who represented the Association were invited to address the gathering, but none of them was heard out fully in view of the fact that they represented the opposing group. The Agent General, Kunwar Sir Maharaj Singh, addressed the meeting, explaining that the Inquiry was a preliminary one and if a colonization scheme was ever approved it would be voluntary. He urged the people to co-operate and behave responsibly. His wife, Kunwarani Lady Maharaj Singh, in her address, rebuked the crowd for their shameful behaviour and thus restored calm to the meeting.

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30. *Indian Opinion*, 25 August 1933.

31. *Indian Views*, 1 September 1933.

The chairman, Mr. S.Rustomjee, put to the vote a resolution in confirmation of the SAIC resolution regarding participation in the Inquiry Committee. Although there was no clear majority the meeting was hastily concluded.<sup>32</sup> Pahad indicates that although voting was close the NIC managed to "scrape" a majority decision.<sup>33</sup>

Two days later, on 26 August 1933, a mass meeting was held in Durban under the auspices of the newly formed Association. The attendance of some 5000 people indicated the success and support the Association had begun to enjoy. The absence of the NIC officials was noticeable. The Agent General was not present owing to prior commitments. In contrast with the earlier meeting, the orderliness and behaviour of those present was commendable. The Chairman, Christopher, in his address, outlined the historical background of the problem facing the Indian community and urged the gathering to face this situation with the same spirit and enthusiasm that they had shown under the leadership of Mahatma Gandhi. He criticized the SAIC, especially the colonial-born members. He also declared that as South African nationals the supporters of the Association would serve in the defence of the country and live and die in South Africa.<sup>34</sup> Mr. Manilal Gandhi, in his address, expressed grief at having to oppose the SAIC and by implication the NIC too but declared that he found that the SAIC did not represent the interests of the Indian community any longer. The motion of Mr. S.L.Singh, protesting against any co-operation with the Committee of Inquiry and expressing a vote of no confidence in the SAIC, was unanimously carried.<sup>35</sup> This well-attended and orderly meeting was yet another blow to the credibility and prestige of the SAIC and NIC. The absence of leaders of the SAIC and the NIC can also be interpreted as a lack of concern or recognition for the feelings of the majority of the Indians.

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32. *Ibid.*, *Indian Opinion*, 25 August 1933.

33. Pahad, 'Indian Political Movements', p.120.

34. *Indian Opinion*, 1 September 1933 ; *Indian Views*, 1 September 1933

35. *Ibid.*

The Indians of Pietermaritzburg, under the guidance of Mr.S. Muthray, were united in their condemnation of the SAIC's participation in the Colonization Inquiry Committee. Muthray was actively responsible for organizing the first protest meeting in Pietermaritzburg after the colonial-born Indians had held their meeting in Durban on 22 August 1933.<sup>36</sup> A successful meeting was held in Pietermaritzburg on Sunday, 3 September 1933, which was presided over by Dr.M.R.Peters. According to reports in the *Natal Witness* and the *Natal Mercury* between 600 and 700 people attended the meeting.<sup>37</sup> This meeting, which was held under the auspices of the Association, was also addressed by Christopher, Gandhi and a few other representatives of the Association's Durban headquarters. Gandhi, in his address, referred to the formation of the Association in Durban and emphasised the dire need for the colonial-born Indians to have their own organization and their own leaders throughout Natal as they represented 88 percent of the South African Indian population. The resolution which was passed protested against any co-operation by the SAIC in the Colonization Inquiry Committee and dissociated itself from the resolutions adopted at the emergency conference of the SAIC held in Johannesburg on 19 and 20 August 1933, which had re-affirmed its decision to participate in the Colonization Inquiry Committee.<sup>38</sup> The Pietermaritzburg branch of the Association, which was the largest branch outside the headquarters in Durban, was constituted at a well-attended meeting of the Pietermaritzburg Indians on 24 September 1933 with Dr. M.R.Peters as its president.<sup>39</sup> Another mass meeting was held at Clairwood, a suburb south of Durban, under the auspices of the Association on 3 September 1933, attended by some 200 people. Resolutions similar to those adopted by the founding meeting in Durban and the Pieter-

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36. See above, Chapter 1, p.41.

37. *Indian Opinion*, 8 September 1933.

38. See above, Chapter 1, pp. 42-43.

39. *Indian Opinion*, 29 September 1933.

maritzburg branch meeting, were passed. A further resolution was passed in favour of forming a branch of the Association to be called "the Clairwood and District Branch". Officials of this branch were provisionally elected.<sup>40</sup>

The Association was gaining support, especially in Durban and Pietermaritzburg, which strengthened the Association in its efforts against the NIC and SAIC, while it would appear that the NIC was losing support and the confidence of the Indian people. This loss of confidence was evidenced by the rowdiness and chaos that had prevailed at the NIC meetings in Durban and Pietermaritzburg. Decline in the numbers attending the NIC meetings was also an indication of the loss of support.<sup>41</sup> All this had such a marked effect on the NIC leadership that they decided not to hold any further public meetings.<sup>42</sup> In 1935 the NIC failed in its attempt to convene an annual general meeting due to lack of support.<sup>43</sup> However, according to *Indian Opinion* the NIC claimed to have support in three Natal towns, namely Glencoe, Dannhauser and Newcastle. Voting in Glencoe and Newcastle was unanimous while Dannhauser had 5 dissentient votes out of 300 votes. A counter-report in the same newspaper, indicated that those present at the Dannhauser meeting were NIC supporters brought to the meeting from neighbouring towns and it was reported further that only 35 voted in favour of the NIC's decision regarding participation with the Colonization Inquiry Committee.<sup>44</sup> Although the counter-report stated otherwise, the Agent General confirmed that the NIC did in fact hold successful meetings in all three towns, adding the town of Estcourt to the list.<sup>45</sup>

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40. *Indian Opinion*, 8 September 1933.

41. *Ibid.*

42. Pahad, 'Indian Political Movements', p.122.

43. *Ibid.*, p.128.

44. *Indian Opinion*, 8 September 1933.

45. Pahad, 'Indian Political Movements', p.122.

However, no record of a meeting held in Estcourt can be traced. Normally a report of a meeting of this nature would be made in one of the local Indian newspapers.

The NIC's most serious concern was their status in Durban and Pietermaritzburg, which had the largest concentration of Indians in the Union. The success claimed in the small Northern Natal towns could not enhance their position significantly. On account of the undermining of their position, the leaders of the NIC, as has been mentioned, had no alternative but to take a decision not to conduct any further meetings. In the absence of any direct opposition the Association thrived in most parts of Natal, including Northern Natal, enhancing its position by successfully establishing numerous branches and thus becoming a force to be reckoned with. Within two months it had broadened its sphere of influence with branches in Sea Cow Lake<sup>46</sup> Dundee and Newcastle.<sup>47</sup> The meetings in the latter two towns were attended by Christopher, Gandhi, P.R.Pather, S.L.Singh and other senior members of the Durban headquarters of the Association. Christopher, in his address, explained that the Association was fundamentally opposed to the SAIC's participation in the Colonization Inquiry Committee on the grounds of principle and conscience. He also explained the objectives of the Association. For the benefit of those present who could not understand English, Singh spoke in Hindi, explaining the concepts. Pather and Gandhi helped with the answering of questions from the public.<sup>48</sup> No details concerning the scope of the questions raised by the public are available.

Early in January 1934, the Association, acting in accordance with its declared policy of opposing any scheme aimed at reducing the Indian population in the Union of South Africa, investigated the conditions of the repatriated Indians. Its findings would have proved very effective in preventing further emigration had anything come of the Colonization Inquiry Committee's investigation. The pathetic tale of the repatriated people would have affected the success of any

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46. *Indian Opinion*, 10 September 1933.

47. *Indian Opinion*, 13 October 1933.

48. *Ibid.*

proposed emigration / colonisation scheme. These investigations and the report coincided with the findings of the Colonisation Inquiry Committee and were certainly well timed. Mr. P Bharat Singh, who was commissioned to undertake the abovementioned investigation as the Association's representative, despatched his report in a letter to the President of the Association. In his letter dated 22 January 1934, he described the plight of the repatriated people as "sorrowful", "appalling" and "indescribable". The repatriates were jobless, homeless, starving and diseased. Children were naked and young colonial-born youths were in a pitiable condition. He pleaded with his President that something should be done to enable the unfortunate to return to South Africa. On his return to South Africa Singh addressed a meeting in Durban held under the auspices of the Association. Singh related his story of the repatriates to a packed hall. It was reported as being one of the most pathetic and moving stories told. He described the high-handedness of officialdom in India and the sorrowful conditions under which the repatriates lived and urged his fellowmen not to leave the shores of South Africa no matter how acute their sufferings might be for it would be worse in India.<sup>49</sup> He urged his president to ensure that repatriation was stopped immediately and suggested extensive propaganda against the scheme.<sup>50</sup>

The Report of the Indian Colonisation Inquiry Committee was completed on 26 February 1934 and published in South Africa in July 1934. The Committee commenced its work on 28 July 1933 in Durban, thereafter visiting Pretoria and Pietermaritzburg before returning to Durban. Finally it went to Cape Town, terminating its investigation on 3 February 1934, thus completing its onerous task in less than eight months.<sup>51</sup> With reference to the proposed colonisation scheme the Committee drew attention to the split created amongst the South African Indian community which had led to forming the breakaway group from the

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49. *Indian Opinion*, 30 March 1934.

50. *Indian Opinion*, 16 February 1934.

51. UG23, *Report of the Indian Colonisation Committee*, 1934, paragraph 4, p.3.

SAIC to form the Association. The Committee pointed out that the reaction of the Association in protesting against the SAIC for agreeing to participate in the Committee of Inquiry, was irrational and based on a misconception because the committee was a preliminary one, which was on a fact-finding mission and thus could not be viewed to be in breach of the second Cape Town Agreement. The Committee of Inquiry also argued that its activities in no way jeopardized the Joint Commission as contemplated in the agreement reached at the second Round Table Conference of 1932.<sup>52</sup>

However, as no mention had been made at the abovementioned Conference of 1932 of having to establish such a "preliminary" Inquiry Committee, the Association was correctly suspicious of the preliminary committee's activities when the committee went beyond its terms of reference in submitting a questionnaire to all factory owners.<sup>53</sup> The Indian community was unaware of the negotiations between the governments of India and South Africa which led to the establishment of the preliminary committee, a fact which confused the situation further. Under these circumstances the Association could not be accused of being "wrong" or labouring under a "misconception". In any event the Association, on principle, would not be a party to any attempt or suggestion of reducing their numbers in this, their country of birth, as the policy of the government went against the Association's fundamental policy.<sup>54</sup> The Report of the Indian Colonisation Inquiry Committee, with reference to the "breach" of agreement *vis-a-vis* the fact that both governments were to jointly investigate colonisation possibilities, stated vaguely that, "for various reasons the action contemplated in the Agreement was not carried out."<sup>55</sup> This "breach" of the Agree-

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52. *Ibid.*, paragraph 9, p. 4.

53. *Indian Opinion*, 17 November 1933.

54. See annexure B, *MANIFESTO, CONSTITUTION AND RULES*.

55. UG23, *Report of the Indian Colonization Committee*, 1934, paragraph 13, pp. 4-5.

ment was pointed out by Christopher at the first meeting of protest held in July 1933 under the banner of "Colonial Born Indians ", as the fundamental reason why the Indians could not uphold the SAIC's undertaking.<sup>56</sup> The Inquiry Committee obviously did not consider the "breach" of any significance in its report.

The joint action plan as envisaged by the representatives of the 1932 Round Table Conference was also centred around finding outlets for India's surplus population. The time and effort spent by the South African authorities indicates very clearly that they were more concerned with the reducing the Indian population in South Africa than with India's surplus population. This assumption is substantiated in the following statement made by G.Heaton-Nicholls, Member of Parliament for Zululand and member of the Colonization Inquiry Committee: "Any assistance ... which would lead to an effective reduction of the South African Indian population, would be willingly agreed to."<sup>57</sup> This statement was made with direct reference to the proposed colonisation scheme.

In its conclusions the Committee recognized the unwillingness of the Association and the resistance it offered as well as the fact that the SAIC also continually reassured its constituents of the Inquiry being merely a preliminary investigation. It also recognized the fact that there existed amongst the South African born Indians a fear that it would be difficult for those of them who had adopted western standards of living to harmonize with colonists from India. The reference to colonists from India ties up with the joint action plan mentioned above in terms of which India's surplus population would also be settled in colonies found for the South African Indian population. A further consideration was that the South African Indians preferred to remain in South Africa and work towards removing restrictions placed upon them.<sup>58</sup> With the abovementioned factors in mind, the committee was careful in concluding that though some of the Indians resident in Natal could be considered poten-

56. See above, Chapter 1, pp.39-40.

57. G.Heaton Nicholls, *South Africa in My Time*, (London, 1961), p.304.

58. UG23, *Report of the Indian Colonization Committee*, 1934, paragraph 68, p.14.



tial colonists in some other parts of Empire, the committee could not envisage the extent of participation of these potential colonists, as no definite scheme had been proposed.<sup>59</sup> The committee recommended British North Borneo, British New Guinea and British Guiana as possible areas where further investigation could advantageously be made by the Joint Commission to be appointed by both the governments of India and the Union.<sup>60</sup>

The Report drew criticism from many quarters. The Reverend C.F.Andrews, who was also a signatory to the undertaking<sup>61</sup> given by the SAIC to the Round Table Conference in 1932, ruled out the countries recommended as being unsuitable and concluded that any further investigations would be futile.<sup>62</sup> An *Indian Opinion* editorial stated that the committee after having deliberated for eight months, narrowed down the sphere of contemplated colonization to three territories all of which were "absurd and unsuitable"<sup>63</sup>, The *Rand Daily Mail* referred to the recommendations in the report as "undisguised egotism" and added that this attempt to use the Empire as a dumping ground for surplus unwanted people is "doomed to failure".<sup>64</sup> The *Natal Advertiser*, commenting on the report, referred to its suggestions as "impractical", but in a warning message to the Indian community stated that, "... what we would like to see ... is a healing once more of these differences which have recently split them into two camps ... There is a great deal of work at hand waiting a united Indian community bent on proving its fitness for ... European sympathy than today it enjoys."<sup>65</sup> There is no doubt that unity was a prerequisite in the

59. *Ibid.*, paragraph 69, p.14.

60. *Ibid.*, paragraph 70, p. 14.

61. See above, Chapter 1, p. 31.

62. *Indian Opinion*, 6 July 1934 .

63. *Indian Opinion*, 27 July 1934.

64. *Indian Opinion*, 10 July 1934; *Rand Daily Mail*, 2 July 1934.

65. *Indian Opinion*, 13 July 1934; *Natal Advertiser*, 3 July 1934.

South African Indian struggle for recognition and strength but the fundamental difference which caused the split was one based on principle. For the various leaders within the Indian community to forsake their principles merely to obtain European sympathy could be considered a heavy price to pay.

Opinion in India on the report can be evaluated from the comments made in three leading Anglo-Indian newspapers. The *Times of India* described the report as "the most curious official document ever received." It also stated that the committee had succumbed to the wishes and ambitions of a section of the European community "merely to reduce the number of South African Indians by expatriating them or otherwise."<sup>66</sup> The *Pioneer*(India) reiterated an earlier view that the scheme was "fantastic and impracticable." It added that if the three territories selected by the Committee were so glorious (Garden of Eden) why aren't the poor Whites of South Africa not attracted to this so called "earthly paradise"?<sup>67</sup> The *Statesman* described the report as "one of the most curious documents of late years." In an analysis of the report it stated that the problem was that Indians in South Africa were now South African by birth and as such "not to be uprooted either by an emigration scheme or a colonization scheme."<sup>68</sup>

At the request of the Agent-General the SAIC submitted its comments on the report to the government of India. The SAIC felt that the onus to take any further steps was with the government of India and secondly that North Borneo was unsuitable for colonisation because South African Indians had "undergone a process of westernization" and they would not be able to adjust to "eastern conditions of life" and in conclusion stated that since the South African Indians constituted only 2 percent of the total population and 80 percent were born in South Africa, any such scheme for them was "neither necessary nor desirable."<sup>69</sup> The SAIC's view on the question of colonisation thus concurred

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66. *Indian Opinion*, 3 August 1934.

67. *Indian Opinion*, 3 August 1934. See also *Report of the Indian Colonisation Committee*, paragraph 23, p.6.

68. *Ibid.*

69. Pahad, 'Indian Political Movements', p.132.

with that of the Association. In a press interview on the report of the South African Colonisation Committee the first Agent-General (and member of the delegation of the government of India to the second Round Table Conference in 1932), the Right Honourable Srinivasa Sastri said that the scheme as conceived by the Conference of 1932 was for both India and the Union and not the latter alone. He pointed out that it was, however, unlikely that his government would be in the financial position to co-operate in the Joint Commission of Inquiry as envisaged by the 1932 Conference. Therefore the Union would have to go it alone. He stated that the SAIC had undertaken to co-operate only because the government of India was also a party to the Joint Commission but now that the Indian government would not participate the SAIC would be justified in altering its commitment. He suggested that if all efforts failed to materialize, the two governments could consult once again in conference to explore afresh whatever avenues there might be of reconciliation.<sup>70</sup> The proposed Joint committee was never set up. The fact that India was not in a position to participate in any scheme was confirmed in May 1934 in a telegram as follows: "While present financial stringency lasts the possibility of India's participation in any scheme of colonisation that may emerge from such exploration will be impossible".<sup>71</sup>

The SAIC held its 15th Annual Conference in Durban on 17 February 1935 and in dealing with the Indian Colonisation Inquiry Committee passed a resolution in the following terms: "The Conference decided ... that further consideration of the report ... be postponed until both the Indian and Union Governments had made known their views on the Report."<sup>72</sup> Pahad describes this resolution as non-committal especially in view of the fact that the SAIC by now knew exactly what India's stance on the matter was.<sup>73</sup>

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70. *The Servant of India*, no. 27, vol. xvii, 12 July 1934, pp. 323-324.

71. CAD, GG, 15/1469, telegram Viceroy (India) - GG (Cape Town), 10 May 1934.

72. *Indian Opinion*, 22 February, 1935.

73. Pahad, 'Indian Political Movements', p. 132.

In correspondence on the question of the colonisation scheme the Viceroy stated that the government of India would only consider participation in a colonisation scheme depending upon conditions prevalent in India with specific reference to financial implications.<sup>74</sup> The Governor-General of the Union responded to the Viceroy in a letter dated 19 March 1935, expressing disappointment with the conclusions reached by the Viceroy. He stated that his government was annoyed at the attitude and stance adopted by the government of India.<sup>75</sup> The government of India had confirmed its opposition, with regard to being unable to participate in any colonisation scheme, as early as May 1934.<sup>76</sup> With the colonisation proposals receiving severe criticism both locally and abroad the Association and the SAIC were free to act without the threat of being put under pressure on account of the proposals of the Indian colonization committee. Both these organizations could concentrate their efforts on other issues which affected the South African Indian community. This in no way implied that while the colonization issue dominated the political arena for the period 1933-1934, the Association and the SAIC were not actively engaged with other important issues. The Association was especially active.

#### ASSESSMENT OF THE ASSOCIATION'S CAMPAIGN

The indications were clear that the colonisation scheme would not materialize. Consequently, it can be concluded that the Association achieved its fundamental objective, which was to "strenuously oppose any scheme which has for its object the sending away of Indians from this country. It will oppose the colonisation scheme and will fight for the deletion of the Assisted Emigration Scheme."<sup>77</sup> The need for the establishment of the Colonial-Born and Settlers'

74. CAD, GG 15/1469, Viceroy (India) - GG (Cape Town), 25 December 1934.

75. CAD, GG.15/1469, GG (Cape Town) - Viceroy (India), 19 March 1935.

76. See above, footnote 71, p.64.

77. See annexure B, *MANIFESTO, CONSTITUTION AND RULES*.

Indian Association in 1933 can thus be justified to a certain extent in view of its achievements. The need for the colonial-born Indians to have their own organization to articulate grievances which were peculiar to them was also justified. Mesthrie revealed that Sir J. Prasad's attitude to the whole subject of colonisation issue was that as long as the subject was kept alive it would prevent that the South African government from taking "prejudicial action against Indians in South Africa...". Mesthrie argues that the farce of colonisation was "an unnecessary one in South African history". It divided the Indian elite in Natal and severely damaged the Congress.<sup>78</sup>

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78. Mesthrie, 'From Sastri to Deshmukh', p.181.

### CHAPTER THREE

#### THE CB&SIA AND ITS GENERAL ACTIVITIES

FRANCHISE AND POLITICAL RIGHTS ; LABOUR AND EMPLOYMENT ; SOCIAL SERVICES -  
ATTEMPTS TO IMPROVE LIVING STANDARDS ; AGRICULTURE ; EDUCATION ; CAMPAIGN  
AGAINST AGENT - GENERAL .

## FRANCHISE AND POLITICAL RIGHTS

The Association paid a great deal of attention to securing the franchise and political rights for its supporters. This was evident in its manifesto in which four out of a nine-pointed declaration related specifically to this aspect.

These points were:

"Indians born in this country and those who have made this country their permanent home, have the indisputable right to remain in this country.

The Union Government admits that 80 per cent of the Indian population of South Africa are born in this country. The Association whilst safeguarding their existing rights, will work towards Indians attaining full citizenship rights.

Recognising the principle that there shall be no taxation without representation, and recognising that Indians contribute in proportion to their earning capacity and wealth, to the taxes of the country, the Association will press for the restoration of franchise rights for Indians.

Whilst the Association claims full citizenship rights, Indians will offer themselves for enrolment in the defence of the country."<sup>1</sup>

The Association grasped every opportunity to improve the situation of the Indian community and in so doing gain recognition and support in its attempt to establish itself as a political force.

With regard to the franchise, an opportunity for the Association to express its grievances to the authorities was made possible in October 1933 through the recommendation of the Valuation Appeal Board of the Durban Corporation to allow the Association to present a memorandum of grievances experienced by Indians in general. On this recommendation the Provincial Finance Commission allowed the Association to present a memorandum of its grievances to the Commission.<sup>2</sup>

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1. CAD, GG. vol. 919, file no. 15/1475, 'Manifesto, Constitution and Rules.'

2. *Indian Opinion*, 27 October 1933.

The Commission had as its Chairman Mr. Jacob de Villiers Roos and its terms of reference were as follows:

"(1) To examine and report upon:

(a) the financial relations at present existing between the Union and the Provinces most especially in respect of the resources of revenue available to the Provincial Administrations and the basis of subsidy payable to them by the Government;

(b) upon the present financial positions of the several Provincial Administrations...

(2) to make recommendations as to whether any changes should be made in those relations, having regard to the powers and functions at present exercised by the provincial Administrations..."<sup>3</sup>

This offer was very significant for the Association as it implied recognition. The Association took advantage of this opportunity by preparing an elaborate memorandum which included matters related to, the restoration of the franchise to Indians. The Provincial Finance Commission heard evidence from various witnesses including representatives of the Association. The Commission sat from 4 August-23 November 1933.<sup>4</sup>

The Association outlined the historical background of the question of parliamentary franchise, which was enjoyed by the Indians until the year 1896, and the municipal franchise, withdrawn in 1924. It claimed that both these rights were abolished in the belief that Indian voters would swamp the European voters. It pointed out that this argument was fallacious and stated that it was the duty of every civilized government to treat all its citizens equally. In substantiation it emphasized that the Indians had contributed much to the development of the province.<sup>5</sup> The memorandum was a significant step forward by the Association in its attempt to articulate the aspirations of the Indians in South Africa. Although no immediate improvement and relief was forthcoming, the Association forged ahead not missing any opportunity of

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3. UG46, *Report of the Provincial Finance Commission*, 1934 paragraph 3, p.2

4. *Ibid.*

5. *Indian Opinion*, 3 November 1933.



bringing the grievances of its supporters to the attention of the authorities. All the areas covered in the memorandum touched on solutions needed at grass roots level and indicated that the Association was alert to the general problems of the majority of Indians in South Africa. The Provincial Finance Commission eventually published its report in 1934 and having regard to the representations made by the two Indian political organizations, sympathised with the Association and the SAIC. It concluded that although the main issues were closely associated with constitutional and related political questions and were thus outside the terms of reference of the Commission, these issues could not be entirely dissociated from the matters which fell within the terms of reference of the Commission. The Commission decided to refer the whole matter to the government for consideration.<sup>6</sup>

The question of the franchise was addressed once again at the Association's first Natal Provincial Conference which was held in Durban from 31 December 1933 to 2 January 1934. In all, 22 resolutions were passed including an appeal to the Union government, municipal and provincial authorities to restore the franchise to Indians who were deprived of such rights.<sup>7</sup> Although the Association did not achieve any direct and immediate relief from the authorities, they were successful in articulating the grievances of the Indians and thus drew the attention of the authorities to their concerns. Although the government considered that the franchise question was a non-negotiable issue, the Association, nevertheless reminded them from time to time that it was of serious concern to the Indian community in South Africa. Sir Shafa'at Ahmed Khan, member of the provincial government of India and High Commissioner of the government of India succeeding Agent-General Benegal Rama Rau, stated that attempts had been made in the past to redress the wrong *vis-a-vis* the franchise rights of Indians but that "owing to the fear complex, and the desire for security, which was inexorably expressed in segregation, nothing was done to relieve the Indian of his disability."<sup>8</sup> There was little prospect

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6. UG46, *Report of the Provincial Finance Commission*, 1934, paragraph 175, p.64.

7. 'Agenda Book'; *Indian Opinion*, 5 January 1934.

8. Khan, *Indians in South Africa*, p.84.

of any Union parliament passing such a comprehensive measure as the restoration of the parliamentary franchise. Sir Khan attributed his pessimism to the fact that each of the elements of the House of Assembly would attempt to protect vested interests and "it would be impossible to secure their support for a measure which was likely to impinge upon their rights."

The battle to regain the franchise of which the Indian was deprived in 1896 was an ongoing one. It took a great deal of courage for the Agent-General, Sir Raza Ali, to advocate a limited franchise for Indians in Natal. In an interview given in Johannesburg on 28 January 1938, he said, with reference to Indians in Natal, that he would be satisfied with a franchise granted subject to educational and property qualifications. With reference to Transvaal Indians, he said that there were only a few of the high class and he could not foresee any danger of Indians in the Transvaal ever dominating the political arena.<sup>10</sup>

In response to this statement the Association passed a resolution at a meeting held in Durban on 6 February 1938, protesting emphatically against the policy of differentiation enunciated by the Agent-General, in that he advocated the granting of the franchise to the Transvaal Indians by virtue of their being of a high class and a limited franchise to the Natal Indians. The Association saw this as an insult to the Natal Indians. This was not only unjust but also wrong in principle.<sup>11</sup> The Association was not prepared to compromise principle on this issue. It wanted full citizenship. There was no official response by the government as the statement by the Agent-General was made on a non-negotiable issue.

The struggle for basic political rights has still not been satisfactorily resolved.

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9. *Ibid.*, p.86.

10. *Indian Opinion*, 11 February 1938.

11. *Ibid.*

## LABOUR AND EMPLOYMENT

The Association's attitude on the question of labour and employment of Indians was expressed clearly in its manifesto. It read as follows:

"The Association will organise Indian labour so that it may take its rightful place in the industrial fabric of South Africa. It will adhere to the principle of equal pay for equal work. The Association will oppose the white labour policy which is retrograde in its application."<sup>12</sup>

In essence the white labour policy prescribed means of displacing Indians and other non-white labour with white labour.

In its memorandum submitted in November 1933 to the Provincial Finance Commission the question of employment of Indian labour in all provincial works was addressed. The Association pointed out that no Indian labour was used for any of the work undertaken by the Provincial Council because the council adhered to the ruling of the white labour policy. This was very alarming as a large number of Indians were unemployed. It emphasized that as a great deal of money was spent annually on provincial works and in view of the fact that the Indians also paid tax, employment should be given to them in proportion to their contribution. This would alleviate the unemployment problem amongst Indians.<sup>13</sup> In view of the distress experienced by the unemployed the Association gave this issue high priority on its agenda.

This question was addressed once again at a mass meeting which was held by the Association for the purpose of protesting, *inter alia*, against the white labour policy of the government. A resolution proposed by Manilal Gandhi was passed unanimously, deploring the white labour policy of the state, the provincial and local authorities. It stated that this policy was used not as a standard but as a means of replacing Indians and other non-white labour with White labour. It urged the government not to use or encourage a labour policy

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12. CAD, GG. vol. 919, file no. 15/1575, 'Manifesto, Constitution and Rules'.

13. *Indian Opinion*, 3 November 1933.

designed to put Indians out of the employment field.<sup>14</sup> Immediate relief was not forthcoming and the Association explored every available avenue viz. resolutions, petitions and memoranda<sup>15</sup>, to convey its abhorrence of the white labour policy to the authorities. In December 1933 the approach of the Association was supported by *Indian Opinion*, in an editorial which described the white labour policy as "a short-sighted and unjust policy unbecoming of any people or Government that claim themselves to be civilised ..."<sup>16</sup> The editorial outlined the historical development of the problem and the direct effect of this policy on unemployment. The question of labour and unemployment was given due attention at the Association's first Natal Provincial Conference which was held in Durban on 31 December 1933 to 2 January 1934. In his presidential address Advocate Albert Christopher described unemployment as "the greatest and most pressing of all questions". He added that the white labour policy was putting Indians out of work to create jobs for Whites. Christopher pointed out that this question was discussed on a number of occasions with the authorities and very little relief was achieved.<sup>17</sup> He appealed to the government to work towards the modification or elimination of the policy.<sup>18</sup> A resolution was passed appealing to the Union government and the local authorities to offer relief to the unemployed Indian. There was no immediate reaction but the issue was addressed in the Report of the Indian Colonization Committee.<sup>19</sup> There was no immediate hope of success but the Association did succeed in bringing the sorry plight of its members to the attention of the government. As this was part of an ongoing process of nego-

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14. *Indian Opinion*, 1 December 1933.

15. See below pp.73-74 & 78.

16. *Indian Opinion*, 8 December 1933.

17. See below pp.76-78.

18. 'Agenda Book'; *Indian Opinion*, 5 January 1934.

19. See below p.74.

tiation, every opportunity was seized by the Association to reinforce its message and appeals. The Natal Provincial Conference provided an excellent forum for the Association to convey the grievances of the Indian community to a wider spectrum of people as the gathering represented a cross-section of observers from local authorities and the government.

As part of its investigations, the Indian Colonization Committee conducted a thorough study of the status of Indian labour and employment in South Africa. This could be viewed as a positive consequence of all the protests and appeals made over the years by the various Indian political organizations. Of significance was the conclusion of this Committee that avenues of employment were gradually closing and that there was no immediate prospect of improvement for the Indian. This was attributed to the working of the white labour policy.<sup>20</sup> In effect the position of Indian labour was deteriorating. The fact that the government acknowledged the root cause of the escalation of unemployment among Indians gave the Indian community and its organizations a ray of hope that relief was forthcoming. This hope was intensified with the government's appointment of the Industrial Legislation Commission of Inquiry on 19 July 1934 under the chairmanship of Mr. Jacob van Reenen.<sup>21</sup> This appointment appeared as a response to the resolution passed at the provincial conference. The Van Reenen Commission which began its investigations in August 1934 drew the serious attention of the leadership in the Indian community. The commission was to enquire into, advise and report upon the effect on employment of the operation of the Wage Act 1925 and the Industrial Conciliation Act of 1924; the extent to which wage determinations and agreements under these Acts were evaded, and the effects of such evasions on employers and workers. The Commission had to examine the effect of fixing lower wages for women than for men and the fixing of ratios between different classes of employees both male and female. The effect upon employment of the operation of the Apprenticeship Act of 1926 and its consequences for the apprentice was to be examined thoroughly.

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20. UG23, *Report of the Indian Colonization Committee*, 1934, paragraph 67, p.14.

21. UG37, *Report of the Industrial Legislation Commission*, 1935, p.9.

The Commission was to report on the reasonableness of wage rates for unskilled labourers and semi-skilled workers, the disparity between wage levels in this category and the need for fixing minimum wage rates for such workers.<sup>22</sup> An editorial in *Indian Opinion* pointed out that the wage legislation was regarded as a most serious concern by the Indian leaders as they felt that this legislation had caused a great deal of dissatisfaction. Its application had imposed hardships on many Indians who found themselves out of work as a result of being replaced in unskilled occupations by blacks and in skilled occupations by whites.<sup>23</sup> This conclusion was also reached in the investigations conducted by the Indian Colonization Committee referred to above.

The Association took up the cause of the Indian community by submitting an elaborate memorandum to the Commission in August 1934. This indicated that the discrimination against Indians in the economic sphere was the underlying reason for the evasion of wage legislation by Indian employers. Among the inequalities the Indian employer suffered were regulations preventing him from opening a business of his choice, following a trade or choosing a site advantageous for any commercial undertaking which he considered profitable. He was also prevented from purchasing a commercial property because of restrictions preventing Indians from doing so. In some cases anti-Asiatic clauses restricted the sale or use of land. An Asiatic could not obtain a trading licence anywhere in Durban and when licences were granted they were endorsed with restrictions on the classes of goods that could be traded, and on the groups of people permitted to sell them. The Association detailed a series of hardships in this field and urged the Commission to rectify the position by giving Indians equal opportunities. This would make it possible for the Indian to comply with the legislation.<sup>24</sup> Apart from the Association's campaign the SAIC also submitted a detailed memorandum on the disadvantages experienced

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22. *Ibid.*, pp 7-8.

23. *Indian Opinion*, 31 August 1934.

24. *Indian Opinion*, 7 September 1934; UG37, *Report of the Industrial Legislation Commission*, 1935, p.160.

by the Indian community in commerce and industry. The SAIC appealed to the Van Reenen Commission to reconsider many of the restrictions on the Indians in order to give them a wider scope for development in the economic sphere.<sup>23</sup> The Van Reenen commission published its report on 22 July 1935. In its evaluation and analysis of the labour problem the commission noted that White labour, once a great scarcity, was now more freely available in urban areas and consisted of every grade of labour. It noted that the labour situation had accordingly undergone a radical change and that in every race there existed grades of labour and differences in ability. The Report revealed that while some were "born" craftsmen and men capable of leading others, many were only capable of being led and of doing manual labour which, until comparatively recently, was a monopoly of the non-White and, indeed was commonly referred to as "Kaffir work". Whites in increasing numbers were entering the ranks of unskilled labour in the towns where they had to compete with a growing number of non-Whites and consequently the labour supply no longer consisted of a small skilled White labour force superimposed upon a mass of non-White unskilled labour with a low standard of living. Economic forces had now drawn Whites into the unskilled labour group, while some of the non-Whites had elevated themselves into the semi-skilled and skilled groups. Despite this radical change in the structure of the labour supply, the South African wage structure had remained essentially unaltered.<sup>24</sup> On the question of racial discrimination the commission was mindful of the inherent dangers entrenched in "colour bars" and "colour bar legislation" as well as uneconomic "white labour" policies. The commission added that social aspirations and policies should harmonize with economic realities and should not run contrary to the economic policy of encouraging the development of industry and employment and hence the national income. On this issue the commission could not see its way clear to supporting

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25. *Indian Opinion*, 14, 21 & 28 December 1934; UG37, *Report of the Industrial Legislation Commission*, 1935, p.169.

26. UG37, *Report of the Industrial Legislation Commission*, 1937, paragraph 10, p.14.

a recommendation that the Wage Board should be empowered to fix ratios between civilised and uncivilised labourers.<sup>27</sup> The Commission's report did nothing to relieve the plight of the Indian community.<sup>28</sup> This conclusion made by Joshi was justified to a great extent in that the commission failed to address issues of immediate concern to the Indian community. Although the commission recognised the inherent dangers of racial discrimination in the labour sphere it did nothing to attempt to ameliorate the effects of this policy on the morale and productivity of the non-White labourer. Job reservation and other racial biases in the labour sphere until the 1980's bear testimony to the problem. It appeared obvious from the Report of the Indian Colonization Inquiry Committee that economic pressure would eventually compel the Indians to seek fresh avenues of occupation. Thus the attitude of the government in neglecting to address this issue fell in line with its aim to frustrate the Indian into accepting repatriation.<sup>29</sup>

The Association also maintained contact with India. Mr. M. Chengiah, a member of the Association paid a short visit to India, where he met Babu Rajendra Prasad, President of the All Indian National Congress. Chengiah covered a wide range of issues which included the white labour policy and the Wage Act and their operation and effect upon the Indians. Chengiah said that he was impressed with the interest shown by those people he met and especially the President of the All Indian National Congress.<sup>30</sup> Leaders of the various political organizations visited India from time to time to seek advice and also kept India informed of their position and problems. The Association in particular was very vocal in criticizing the office of the Agent-General. This was done in response to the negative attitude of the government of India towards all organizations except the NIC and the SAIC. Although Sir Raza Ali tried to persuade his government to allow him to negotiate with the Associa-

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27. *Ibid.*, paragraphs 153, 154 & 160.

28. Joshi, *Tyranny*, p.207.

29. *Ibid.*, p.202.

30. *Ibid.*



tion this request was not granted. As a result the Association adopted a very similar attitude towards the Office of the Agent-General and conducted its own propaganda campaign by sending officials to India to make direct representations in this manner.<sup>31</sup>

The Association also pursued its campaign against the white labour policy by way of mass gatherings. These meetings were held in order to educate its supporters as well as establish contact with the people and increase membership. At a mass meeting held under the auspices of the Association in Durban on 10 February 1935 the following resolution was passed on the question of the white labour policy:

"... the white labour policy as subsidised by the Union Government and as applied in other ways, not as a standard but as a means of displacing Indian labour is increasing unemployment among Indians and causing considerable hardship ... further appeals <would be made> to the Minister of Labour not to encourage the use of the white labour policy as a means of displacing Indian employment. "<sup>32</sup>

Although the Association pursued its campaign to improve the status of Indians in the economic sphere with little material success, it achieved some success in conveying its message to the authorities.

In its report to the Van Reenen commission the SAIC pointed out that the application of the white labour policy did in fact have an adverse influence on increased unemployment. It stated that in 1924-5 the number of Asiatics employed in various classes of industry was 10322. This represented 5 percent of the total number of industrial employees. In 1929-30 the number of Asiatics was 9745 representing 4 percent of the total number of industrial employees. Thus while there had been a normal increase in the Indian population (166000 in 1921 to 185000 in 1931) there had been a drop in the number of Indian industrial workers. A figure of approximately 3000 unemployed Indians in Durban alone bore testimony to the impact of the white labour policy.<sup>33</sup> The following

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31. Pahad, 'Indian Political Movements', p.121.

32. *Indian Opinion*, 15 February 1935.

33. *Indian Opinion*, 14,21,28 December 1934. (full transcript of SAIC memorandum to the commission published in three series)

examples show the effect of the white labour policy being enforced in government sector employment: in 1924 there were 2113 Indian employed on the railways and by 1933 this number had dropped to 682 and by 1939 to 462; the statistics for Whites was as follows: 1924 - 39024, 1933 - 49665 and by 1939 - 68566. In 1924 there were 2160 Indians employed in the mining sector and by 1933 this figure had dropped to 809 and by 1939 to 771. The statistics for Whites for the corresponding period was 31109, 34667 and 52693 respectively.<sup>34</sup> In other government departments the total number of Indians employed in 1924 was 955 but by 1934 they numbered 217; in municipal employment the displacement of Indians had been less marked and up to 1931 was negligible; but in 1931 the Minister of Labour exhorted the Durban Town Council to replace its Indian employees with Whites.<sup>35</sup> Thus in November 1931 the Durban Town Council dismissed 49 percent of its Indian employees. Further the white labour policy had inevitable repercussions in the sphere of the private sector, eg. in 1924 there were some 400 Indians employed in the Lion Match factory in Durban but in 1931 the number had fallen to 100. In this case the introduction of machinery also contributed to the reduction in the labour force.<sup>36</sup>

Sir Shafa'at Ahmed Khan stated that the South African Labour Party regarded the white labour policy "as its basic doctrine and it succeeded in eliminating all non-Europeans from all grades of skilled and unskilled work." He added that the consequences of the white labour policy had been disastrous in that it had made the White labourer one of the best paid workers in the world. Further, owing to the monopoly of all skilled and semi-skilled trades and the absence of competition it violated the fundamental principles of economics. He concluded that the white labour policy had proved to be a serious setback to South Africa's industrial progress.<sup>37</sup>

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 34. Union of South Africa, *Bureau of Census and Statistics, Union Statistics for Fifty Years, 1910-1960*, March 1960. p.G4-G15.

35. Durban Town Council Minutes, 9 November 1931, p.299 & 23 November 1931, p.345.

36. *Indian Opinion*, 14, 21, 28 December 1934. (full transcript of SAIC memorandum to the Commission published in three series)

The Association's articulation of the grievances of its supporters *vis-a-vis* the effects of the white labour policy is viewed two dimensionally, viz. Indian and white labour, but in actual fact it was a three dimensional issue : Whites - Indians - Blacks. It is evident that the Association was pleading the case of its supporters and not that of people of colour in general. In its memorandum to the Provincial Finance Commission the Association demanded a greater share of labour than the Blacks by implication in that its proposal called for employment to be allotted proportional to income tax contributions.<sup>38</sup> Although the plight of "non-white" labour was considered briefly at a mass meeting of the Association<sup>39</sup> this is balanced by a comment in an *Indian Opinion* editorial<sup>40</sup> lamenting replacement of Indians by Blacks in unskilled occupations. In fact the Indians were, in general, pushing for their own rights at the expense of the Blacks. In any event, the Association had not declared in its manifesto and constitution to identify with the cause of the Black people in general. On the contrary it was explicit on the issue of who it represented. Freund also concludes that the Indian workers were rarely concerned with the problems of the Black workers just as Whites were rarely interested in the problems of "non-whites".<sup>41</sup> The Falkirk dispute was considered a landmark conflict in that it did bring Indians and Blacks out together. The solidarity of these workers had been undermined by the the at

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37. Khan, *Indians in South Africa*, pp.47-49.

38. See above p.72.

39. See above p.72.

40. See above p.75.

41. Bill Freund, '"IT IS MY WORK": Labour Segmentation, Militancy and the Indian Working Class of Durban', Presented at the Africa Seminar, Centre for African Studies, University of Cape Town, 6 May 1992, p.16.

titude and actions of the NIC and the office of the Agent-General who had intervened on behalf of the Indian workers as part of the Indian community needing employment.<sup>42</sup>

#### SOCIAL SERVICES - ATTEMPTS TO IMPROVE LIVING STANDARDS

The issue of attempts to improve living standards is closely related to the question of labour and employment as many of the social problems can be attributed to the high unemployment figure, inadequate pay and the effect of the labour policy in general. On this issue the Association stated in very general terms that it would also concentrate on the social upliftment of the poorer classes who had hitherto been neglected.<sup>43</sup> In terms of this commitment the Association covered a wide field in its attempt to improve the general living standards of the poorer classes which included personal tax relief, slum clearance and hawker licensing laws.

##### TAX RELIEF:

Under the auspices of the Association's Clairwood branch a mass meeting of Indian ratepayers of the South Coast Junction area was held on 8 October 1933 to protest against the high valuations placed on their properties. The Durban headquarters of the Association undertook the responsibility of representing these ratepayers before the Valuation Appeal Board of the Durban Corporation.<sup>44</sup> A similar meeting was held by the Merebank Indian Association and was addressed by the officials of the Association's Durban headquarters.<sup>45</sup>

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42. *Ibid.*, p.12; S. Vawda, V. Padayachee, P. Tichmann, "'Wha' about the Workers? Workers, Unions and Politics: The Falkirk Dispute of 1937", *Journal of the University of Durban-Westville*, New Series 2, 1985, pp.127-152.

43. CAD, GG. vol. 919, file no. 15/1475, 'Manifesto, Constitution and Rules'.

44. *Indian Opinion*, 13 October 1933.

On the recommendation of the Valuation Appeal Board the Provincial Finance Commission allowed the Association to present a memorandum of its grievances to the Commission.<sup>44</sup> This was a significant development for the Association as it implied recognition. In October 1933 the Association took advantage of this opportunity by preparing an elaborate memorandum which included matters related to, the exemption of all Indians earning less than four pounds per month from payment of personal tax.<sup>47</sup> With regard to the imposition of personal tax, the Association believed that this should only be paid by those who could afford it. The memorandum pointed out that the majority of Indians were employed in the coal mines, railways and harbours, sugar estates and the municipalities and earned about two pounds per month with rations. It thus proposed that men earning less than four pounds per month should be exempted from payment of personal tax.<sup>48</sup>

As has been mentioned the Provincial Finance commission had noted with sympathy the representations made by the Association and the SAIC, and found that although the main issues were closely associated with constitutional and related political issues, and which were clearly outside the terms of reference of the commission, yet they could not be dissociated from matters which fell within the purview of the commission.<sup>49</sup> Although there was no immediate relief for the Association it was part of an ongoing process of protest and the Association looked forward to every opportunity to articulate the grievances of its supporters in this manner. These issues were addressed once

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45. *Ibid.*

46. *Indian Opinion*, 27 October 1933.

47. *Indian Opinion*, 27 October 1933 & 3 November 1933 ; UG46, *Report of the Provincial Finance Commission*, 1934, paragraphs 172-174, pp.62-63.

48. *Ibid.*

49. UG46, *Report of the Provincial Finance Commission*, 1934, paragraphs 3 & 175, pp.2 & 64.

again at the first Natal Provincial Conference of the Association which was held in Durban from 31 December 1933 to 2 January 1934. In his presidential address, Advocate Albert Christopher, emphasized the need for the exemption of people who earned low salaries from payment of personal tax. In addition he urged the Indians to take advantage of the housing loans granted by the Durban Corporation to improve their living conditions. In all, 22 resolutions were passed which included an appeal for personal tax relief.<sup>50</sup>

#### HAWKERS AND PEDLARS:

On 9 January 1934 a deputation of the Association consisting of Messrs A. Christopher, P.R.Pather and Raghava was received sympathetically by the Natal Provincial Executive. The deputation discussed a bye-law proposal submitted by the Durban Corporation to the Natal Provincial Executive to approve the prohibition of hawkers and pedlars from vending their wares in certain additional streets in Durban. It was pointed out that if this bye-law came into operation, it would effectively condemn a number of Indians, who resorted to this means of livelihood, to poverty and untold misery resulting from unemployment.<sup>51</sup> Nevertheless, in terms of proclamation no.22 of 1934, the Natal Provincial Administration went ahead and promulgated the bye-law prohibiting hawkers and pedlars from conducting business in certain additional streets in Durban. Despite the Association's deputation, the bye-law was approved with the express purpose of controlling hawkers and pedlars.<sup>52</sup>

The proposed bye-laws of the Pietermaritzburg City Council, one of which was aimed at prohibiting hawkers and pedlars from conducting business in certain additional streets in Pietermaritzburg and the other to restrict the number of pedlars to 250, drew vehement protest from the Indian community of Pietermaritzburg. The Association's Pietermaritzburg branch responded to the proposed action of the Town Council by submitting a detailed petition to the Administrator of Natal. In its petition the Association pointed out that the

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50. 'Agenda Book'.; *Indian Opinion*, 5 January 1934.

51. *Indian Opinion*, 12 January 1934.

52. G. 352(684) N1, *The Official Gazette of the Province of Natal*, 18 January 1934, p.1352.

introduction of the proposed bye-laws would hit the poorer section of the Indian community with resulting unemployment and starvation. The petition urged that the proposed bye-laws be rejected.<sup>53</sup> The bye-law was disallowed. However, the Council reintroduced it in an amended and watered-down form and though an objection was lodged, the bye-law was subsequently approved by the Administrator of Natal.<sup>54</sup>

In terms of proclamation 537 of 1937 the whole question of trade licence bye-laws was considered and the existing bye-law was repealed by the Borough of Pietermaritzburg on 2 December 1937. In effect there were limitations in terms of the number of hawkers and pedlars but stricter measures were taken to control renewal of licences, transfer of licences from one person to another and licence application procedures.<sup>55</sup> However in 1939 in terms of proclamation 238 of 1939, bye-law 6 of section (v) of the proclamation 537 of 1937 was repealed on 22 June 1939. In terms of this proclamation the abovementioned trade licence bye-law was amended to extend its control over certain additional streets and municipal buildings in the City and Borough of Pietermaritzburg.<sup>56</sup> What emerged very clearly from the numerous representations made by the Association was that it got its message across to the authorities though not always with success. The Association did appear to evaluate its success by the amount of pressure it could put on the authorities, eg. the petition against the bye-law. This strategy of the Association had its benefits for the community in that the authorities were always conscious of the fact that the Association functioned as the watch-dog of the Indian community. Arbitrary action by the authorities would certainly have been influenced by this factor.

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53. *Indian Opinion*, 24 May 1935.

54. G.352(684) N1, *The Official Gazette of the Province of Natal*, 8 November 1936, p.1579 ; *Indian Views*, 20 November 1936.

55. G.352(684) N1, *The Official Gazette of the Province of Natal*, 2 December 1937, p.1054.

56. G.352(684), N1, *The Official Gazette of the Province of Natal*, 22 June 1939, p.649.

#### SLUM CLEARANCE:

The improvement of the living standards of the Indian community was one of the priorities of the Association. Representatives of the Association gave evidence before the Durban Borough Boundaries Commission in October 1935. The terms of reference of this Commission were to establish whether Mayville, a suburb of Durban, should be proclaimed a slum area ie. an uninhabitable area. The representatives of the Association indicated that the powers of the Durban City Council applied prejudicially against the Indian on the grounds of race and colour. It was also pointed out that the expropriation of the area as a slum was an extremely arbitrary action and that a more reasonable solution to the problem was for the City Council to have the area cleaned up. The Council, however, pointed out that "when cleaned up this would be valuable land - too valuable for Indians".<sup>57</sup> This matter was also taken up by the SAIC. A deputation of the SAIC appealed to the Minister of Health, J.H.Hofmeyr, on 4 November, to prevent the Durban City Council from expropriating land at Mayville under the terms of the Slums Act, saying that the Council was "actuated by racial considerations."<sup>58</sup>

The Indians were not opposed to the principle of the Slums Bill but were against the Union government's motive of segregation which lay behind the legislative move. Mr. J.H.Hofmeyr assured the SAIC of his sincerity and made the following significant statement in Senate on 24 May 1934: "The purpose of this Bill is the elimination of slums. In certain quarters the fear has been expressed that it has either been conceived with, or will be used to further, some deeper policy of race discrimination. I would emphasize that this Bill has nothing whatever to do with anything of that nature. Its purpose is to wipe out slum conditions, irrespective of the race or colour of slum owners or tenants and it has no ulterior motive. It will be administered in that spirit by me and my department. I have no reason to think that it will be ad-

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57. DAL, 'Natal Provincial Council Minutes', 29 April 1936, p.35; *Indian Opinion*, 25 October 1935.

58. *Indian Opinion*, 15 November 1935.



ministered in any other spirit by the local authorities....It will, I am sure, be made to operate in a spirit of fairness and justice and without discrimination, and of that the powers vested in the Minister under the Bill are a guarantee, if indeed such a guarantee is necessary."<sup>59</sup>

The Slums Act No.53 of 1934 was placed on the Statute Book with the blessing of the SAIC; but it realized soon after that Hofmeyr's assurance had little effect. The Durban municipality declared 16 acres of Indian-owned land as unsuitable in accordance with the Slums Act No.53 of 1934 and to the amazement of Indians, Hofmeyr approved the declaration.<sup>60</sup> However, the Durban City Council persisted with declaring the Mayville area a slum in terms of the Slums Act and was severely criticized for its action. Reverend C.J.Landers, an Indian missionary, pointed out that some 1600 people had moved into homes of friends and relatives thus causing overcrowding in already overcrowded houses and creating further slum conditions.<sup>61</sup> In effect the Durban City Council adopted a short-sighted policy in that no suitable alternative accommodation was considered for the affected people.

Nevertheless, the Association was frequently successful in articulating the aspirations of the Indian community in these spheres by way of petitions, resolutions and deputations, eg. to the Natal Provincial Executive, with positive responses.<sup>62</sup> The Association also experienced a fair degree of frustration especially when the authorities did not react to its petitions, resolutions and deputations.<sup>63</sup>

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59. *Senate Debates*, 24 May 1934, col 877 ; Joshi, *Tyranny*, p.201.

60. *Ibid.*; 'Durban Town Council Minutes', 20 September 1935, p.253 - Letter received by the City Council dated 19 December 1934 from the Secretary for Public Health, Pretoria.

61. *Indian Opinion*, 29 November 1935.

62. See above pp.80-85.

63. See above pp.81, 83 & 85.

## AGRICULTURE

The Association's attitude in the field of agriculture was clearly expressed in its constitution. One of its objectives was that it would work for the improved conditions for the Indian farmers and especially the peasant farmers.<sup>64</sup> The condition of the farmers received attention at the Association's first Natal Provincial Conference held in Durban from 31 December 1933 to 2 January 1934. In his presidential address, Advocate Albert Christopher spoke at length on this issue. He pointed out that the farmers had suffered tremendous hardships especially in selling their products on the local market because of the strong competition in the field. He emphasized the need for closer attention to be paid to this sphere so that the farmer could get a better return for his hard work.<sup>65</sup> The Association did not neglect the call of its president and made every effort to look after the well-being of the farmer. A proposed sale of 300 acres of prime market gardening land in the Springfield Flats area of Durban to the Durban Turf Club (for the purpose of establishing a training ground for horses), caused a storm of protest among those Indians who would have been displaced. A protest meeting was held on 25 May 1935 under the auspices of the Springfield Estates Committee. Senior executive officials of the Association including Christopher, attended the meeting. Christopher addressed the meeting urging those affected to persist in their efforts to upset any sale of land which would affect their only means of livelihood. One of the resolutions passed requested the Durban City Council to grant an interview to the tenants of Springfield, accompanied by the representatives of the Association.<sup>66</sup> In connection with land being made available for Indian housing purposes, the City Council, on 22 July 1935, adopted the following

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64. CAD, GG. vol. 919, file no. 15/1475, 'Manifesto, Constitution and Rules'.

65. 'Agenda Book'.

66. *Indian Opinion*, 31 May 1935.

resolution: "That land at Springfield Estates, other than that required for European occupation, together with the Corporation's land at Cato Manor, be reserved for Indian housing purposes."<sup>67</sup> These market gardeners and residents were displaced only in the late 1970's to make way for industrial development and the canalization of the Umgeni River.

The Marketing Bill which went before Parliament in 1937 drew a storm of protest from the farming section of the Indian community out of concern for the possible effects that the Bill would have on their livelihood. The Marketing Bill aimed *inter alia*, (a) to prohibit or regulate the importation of any product into the Union generally or from any country; and (b) to prohibit or regulate the exportation of any product from the Union. The Regulatory Board appointed in terms of the Bill would determine the maximum quantity of products that may be brought into or removed out of any area, the maximum quantity of products which may be sold or offered for sale on any day or during any period fixed by the Board. The Board could impose a special levy upon producers. The Board would advise the Minister as to the conditions, regarding grades, method of packing and the marking of any such products. These were the salient features of the Bill. The Association and other organizations were also concerned with the impact this Bill would have on the livelihood of farmers. A mass meeting was held in Pietermaritzburg under the auspices of the Association on 14 February 1937, to protest against the Marketing Bill. In addressing the meeting, Christopher said: "The principle of the Marketing Bill is deadly and the Indian grower has no say in the control of production or regulation of prices and is at the mercy of the Board ...". He also pointed out that it was measure construed to destroy Indian agricultural interests, particularly those of the poor Indian and added that if the Bill was passed it would result in further unemployment and its attendant suffering.<sup>68</sup> The most dangerous clause in the Bill was Section 21 which provided, *inter alia*, for the publication of the particulars of any proposed

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67. 'Durban Town Council Minutes', 22 September 1935, p.262.

68. *Indian Opinion*, 19 February 1937.

scheme in the Gazette and the draft resolutions approving of the scheme to be put before a meeting of producers, but only Whites would be entitled to vote.<sup>69</sup> An *Indian Opinion* editorial stated that it would be obvious that if the scheme related to banana growing, the Indian farmers who grew the entire crop of bananas would not be entitled to vote and an attempt to oust the Indian farmer was very possible.<sup>70</sup> It is important to note that in 1937 over 17000 Indians, constituting 9 percent of the Indian population of Natal were engaged in agriculture and this figure accounted for 99 percent of all Indians in South Africa so occupied. More than 50 percent of these were labourers, mainly on sugar estates, 20 percent were farmers (mostly sugar planters but also including citrus, tobacco and banana growers) and about 13 percent were market gardeners.<sup>71</sup>

Clause 21 of the Act effectively imposed a colour bar because Indians had no vote on the regulatory board. In the committee stage Mr. Eaton (M.P. for Durban County) said: "We [Europeans] do not want these people [Indians] to sit upon the same council as Europeans, because they [Indians] never play fair".<sup>72</sup>

Mr. Derbyshire said in objection to Mr. Eaton's comment that, "Because there happen to be a few unscrupulous persons amongst the Indians, just as there are amongst the members of any community, surely that is no reason to condemn practically 100,000 people who represent the Indian community." He added that "... in Natal among the Indian community you have some of the best business brains in South Africa."<sup>73</sup> Col. Stallard also protested against the remark and supported Mr. Derbyshire's view that the clause would deprive the regulatory boards of the business brains of the Indian community.<sup>74</sup> The Minister of -----

69. *Ibid.*

70. *Ibid.*

71. H.R. Burrows, 'Indian Life and Labour in Natal', *New Africa Pamphlet - South African Institute of Race Relations*, No.23, June 1952, p.11.

72. *House of Assembly Debates*, 4 March 1937, col.2757.

73. *Ibid.*, col. 2760.

Agriculture and Forestry, Col. Reitz said that he also regretted very much the words used by Mr. Eaton. This provision in the bill was not intended to reflect in any way on the non-White community. It was merely an expression of the fact that discrimination and differentiation were inherent in the legislation of this country. Col. Reitz added that: "When a deputation, an Indian deputation, came to see me I said to them, 'You Indians, in South Africa will always be a tragic community because of the temper and temperament of the people of South Africa'. He added that "We have that temper and that temperament, because we are going to keep South Africa a white country, and the principle honorary members have protested against is one of the foremost principles in our social fabric, and in the constitutional fabric of our country. If we were to remove this from this Bill, the Bill would be dead as a dodo."<sup>75</sup> The *Indian Opinion* editorial viewed this statement as loaded with meaning and saw the Indians awakening to realize that if a responsible Minister could describe their plight in these terms, then their position and status in South Africa was doomed.<sup>76</sup> The Marketing Bill was promulgated and the SAIC wrote to the Minister objecting to the fact that he had declined to grant representation to members of the Indian community on any of the regulatory boards administering a scheme under the Act. In a letter to the SAIC, the Secretary for Agriculture and Forestry pointed out that if any class of the community was not directly represented it did not automatically imply that the scheme would be administered to the detriment of such class. He added that the scheme would be administered in the best interests of all parties and that any party who was dissatisfied with a decision of the regulatory board involving such discrimination would be able to bring the decision to the Courts.<sup>77</sup>

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 74. *House of Assembly Debates*, 4 March 1937, col.2761.

75. *Ibid.*, col.2762-3.

76. *Indian Opinion*, 7 May 1937.

77. *Indian Opinion*, 30 April 1937 ; Joshi, *Tyranny*, p.221.

The effect of all the protests and concern expressed by these organizations was that it ensured that arbitrary action by the authorities would be curtailed. Although the Association and the SAIC did not succeed in preventing the enactment of the Bill they at least succeeded in ensuring a more just application of the Act.

### EDUCATION

The Association's concern about the quality of education was spelt out in its manifesto which read as follows :

" The Association accepts the view that Indians in South Africa should conform to western standards of living . To attain that standard the Association will ask for higher education both for boys and girls and for the industrial and agricultural education of Indians and will press for free primary education for Indian children and for equal economic opportunities."78

Education had been part of the Cape Town Agreement where it was identified as a problem area. In terms of this agreement, which embodied the principle of upliftment of every section of the South African population, an education committee was appointed which was assisted by experts from India to investigate and report on Indian education in Natal. The committee, established by the Natal Provincial Administration, under the chairmanship of Mr.J Dyson, was to enquire into:

"The existing facilities as a whole in town and the country areas. The condition of service of Indian teachers in government and government-aided schools, including salary, promotion, discipline and pension. The present system of grants-in-aid and any charges which may be considered necessary. The financial basis of Indian education, having regard to

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78. CAD, GG. vol. 919, file no. 15/1475, 'Manifesto, Constitution and Rules'.

the resources of the province, various demands upon them, and adequacy of the existing Union government subsidies in so far as they affect Indian education."<sup>79</sup>

The committee recommended that facilities for Indian education should be extended by the establishment of government schools in the large centres of Indian population, and when funds permitted, the extension of state-aided schools. The education committee however did not recommend compulsory education for Indian children but advocated more liberal salary scales and conditions of service for the whole province; the expenditure of the whole subsidy received from the Union government on Indian education, and the establishment of a teachers' training college for Indian teachers as a matter of urgency.<sup>80</sup> The findings of the committee showed that the existing facilities were inadequate. This was especially so at state-aided schools which were poorly housed and whose teachers' status and salaries were unsatisfactory. As a result of the report reforms were introduced.<sup>81</sup> There is no doubt that this resulted in certain improvements in Indian education. The number of schools increased from 52 in 1928 to 78 in 1931; Indian teachers' salaries were raised.<sup>82</sup>

Although Indian pupils in Natal increased at the rate of approximately 1000 per annum in the years that followed, this was not commensurate with the growth of the population of school-going age. In 1936 fewer than 75 percent of the estimated number of Indian boys of school-going age and 30 percent of the girls were at school. The question of education was given serious attention at the first Natal Provincial Conference of the Association held in Durban from 31 December 1933 to 2 January 1934. In his address, Advocate Christopher emphasized the need for improved education of the Indian people. He

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79. L.A.- No. 82, *Natal Government Gazette of 1928*; Joshi, *Tyranny*, p.144.

80. Natal Provincial Council Minutes, 28 May 1928, p.40, Document 117, *Report of Indian Education Enquiry Committee*; Palmer, *History of Indians*, p.108.

81. *Ibid*; Pachai (ed.), *South Africa's Indians*, p.348.

82. 'Natal Provincial Council Minutes', 28 May 1928, p.40, Document 117, Palmer, *History of Indians*, p.108.

added that in view of the poor economic position of the people, free education would be appreciated. He also emphasized the need to educate more girls if the community wished to make rapid progress. He urged that the authorities consider the exemption of school fees for poorer children. Resolutions were passed urging the authorities firstly, to improve the educational facilities for Indians; secondly, to increase the government subsidy for Indian education; and thirdly, to increase the facilities for adult, technical, commercial and agricultural education.<sup>83</sup>

No positive response by the authorities was received and the Association reiterated its appeal to the government at a mass meeting held in Durban on 10 February 1935. A resolution was passed unanimously. In addition to its previous appeal the Association requested that education in both English and Afrikaans should be made compulsory.<sup>84</sup> The question of education and the salaries paid to teachers was addressed at a mass meeting of the Association, held on 8 December 1935 in Durban. On the question of staff segregation at the Sastri College in Durban, Advocate Christopher deplored the fact that Indian teachers earned less than half of the salary paid to White teachers. He added that this discriminatory policy would have an effect on the morale of the students and would deter good quality teachers from accepting posts at the College.<sup>85</sup>

As mentioned above the cumulative effect of the protests and appeals to the government reaped benefits when the Natal Provincial Administration set up the Education Inquiry Commission to report upon the system of education in Natal. The Commission was appointed by the Administrator of Natal on 5 March 1936. The terms of reference of the Commission was to enquire into and report upon :

"(a) the system of education ; other than higher education , at present existing in the Province of Natal;

(b) the financial implications of any alterations proposed ;

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83. 'Agenda Book'. ; *Indian Opinion*, 5 January 1934.

84. *Indian Opinion*, 15 February 1935.

85. *Indian Opinion*, 27 December 1935.



(c) the question of the future control and administration of Native education in the Province ;"<sup>86</sup>

The Commission of Inquiry agreed to hear the evidence of two deputations representing Indians in Durban on 28 July 1936. It sat to hear evidence for 24 days at 7 centres from 268 witnesses. The Association was recorded as part of the list of witnesses.<sup>87</sup> The deputation representing the Association was composed of Advocate Christopher, Messrs S.L.Singh, P.G.Naicker and Rev. J.M.Sundarum. This deputation focussed on the need for compulsory free education and called for extended opportunities for the education of girls at the primary school level. It also objected to the reference in school text books to Indians as "coolies" and urged the authorities to prohibit the use of such a derogatory term in any text book. The deputation covered every aspect of Indian education that needed attention.<sup>88</sup> The Association realized that this was an opportunity for them to convey the aspirations of the Indian community on the question of education and in justification thereof prepared a statement on the status of Indian education for submission to the Commission. The fact that a Commission of Inquiry was established also confirmed that the authorities did not totally ignore the numerous appeals of the Association and the other organizations.

The report on the Education Commission was published in 1937 and addressed various issues of concern as established in its findings. On the question of accommodation the commission noted that in view of the pressure on the available accommodation and of the large number of children to be provided for, it was accepted that the demand for additional accommodation was likely to continue. The commission therefore recommended a detailed programme of expansion to counteract the demand factor.<sup>89</sup> Kuppusami established that nine years fol-

86. Province of Natal - *Report of the Education Commission*, 1937, p1.

87. *Ibid.*, p.ix.

88. *Indian Opinion*, 31 July 1936 & 7 August 1936. The full text of the statement submitted by the Association to the Commission was reproduced in the latter issue.

89. *Report of the Education Commission*, 1937, paragraph 418, p.79.

lowing the publication of the Broome Report saw the gradual adoption of some of the recommendations. He found that in 1939 there had been a growing demand for Indian education and that several schools had been built. This development was attributed to the public spiritedness of Indians who under the guidance of the Department of education assisted with these building projects. To address the problem of the abnormal demand for school accommodation the "platoon plan" was instituted at Clairwood on an experimental basis in terms of which children were divided into two groups, with the senior group attending classes in the morning and the junior group attending in the afternoon.<sup>90</sup>

On the issue of the attendance of Indian girls the commission noted that girls did not attend school because there were so few Indian women teachers. In turn this was a consequence of the fact that so few girls came to school to pursue a career in teaching. The commission recommended that it be the policy of the Administration to create as many separate schools in the larger centres by segregating the boys and girls in different schools; that some of the present mixed schools be reorganized with this in mind, and that all new schools be designated for either girls or boys but not for both. With respect to overcoming the lack of female teachers, the commission recommended that all available Indian women teachers should be employed in girls' schools and as an interim measure, Coloured or White women teachers be employed until a sufficient number of Indian women were available.<sup>91</sup> The Broome Education Commission noted that to wait until school accommodation for all Indian children in the province was provided before introducing compulsory education would be to postpone the matter indefinitely. On this note the commission recommended that the system of compulsory education be introduced gradually. This could be implemented by choosing suitable areas in which a definite age and standard should be prescribed for school attendance. This would be done on an experimental basis until it proved workable. The commission was optimistic that

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90. C. Kuppusami, 'Indian Education in Natal 1860-1946', (M.Ed, University of South Africa, 1946), p.23.

91. *Ibid.*, pp.80-81.

if this experiment worked the system of Indian education would advance considerably. The co-operation of the community was assumed. In areas where education was to be compulsory it was also to be free.<sup>92</sup> Education of girls was not restricted by legislation but rather by the reluctance of parents to send their daughters to schools that offered a type of education quite foreign to the rigid Indian culture and traditions.<sup>93</sup>

The issue of education in both official languages was raised by the Broome Commission where it was noted that a number of Indian witnesses had made requests for the teaching of Afrikaans in the schools. The commission recommended that every encouragement and facility possible be given to Indian teachers to learn Afrikaans. The commission also noted that to most Indian children one of the vernaculars is the mother tongue and that they had to acquire one of the official languages as a medium of instruction. The commission was mindful that care should be taken not to overburden the Indian school-going child. The cost of introducing Afrikaans was estimated to be too considerable in the circumstances where there were more important priorities. The introduction of White teachers was considered a problem because the majority of Indian schools were under Indian principals. The alternative proposed was the importing of Coloured teachers from Cape Province.<sup>94</sup> Although the specific concern of the disparity in salaries paid to teachers of different racial groups was not addressed by the Broome Commission the disparity between salaries applicable at the two types of schools, viz. state-aided and government schools was investigated. The Broome Commission noted that the Provincial Administration prescribed the salary scales and funded both groups of teachers and as both groups had to satisfy the same departmental inspectors as to the standard and quality of their work, it was recommended that both should be paid equal salaries and enjoy the same fringe benefits.<sup>95</sup>

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92. *Report of the Education Commission, 1937*, paragraphs 450 & 452, p.85.

93. Pachai (ed.), *South Africa's Indians*, p.339.

94. *Report of the Education Commission, 1937*, paragraph 463, p.88.

95. *Ibid.*, 1937, paragraph 443, p.84.

Seven years later, in 1946, Sir Shafa'at Ahmed Khan stated with reference to the Broome Commission that, "The administration has taken no action on any of its recommendations."<sup>96</sup> He added that the only improvement noted was the improvement in the pay of Indian teachers.<sup>97</sup> The report clearly reflects the status of Indian education between the years 1928-1946.

The Association seized every opportunity to draw the attention of the government to the conditions prevailing in Indian education. It pursued its strategy of conveying resolutions of meetings to the respective authorities in the hope that the government would favour them with a positive response. This perseverance did eventually have the desired effect.

The report of the Agent General's opening address in January 1937 at the Conference of the Natal Indian Teachers' Society provides an idea of the condition of Indian education a year after the Commission of Inquiry was held. Sir Raza Ali accused the Natal Provincial Administration of neglecting Indian education. He quoted the various areas where discrimination was prevalent and pointed out areas where improvements were urgently needed.<sup>98</sup> Although there appear to be contradictory reports on the improvements and the attention Indian education received from the authorities, the negative remarks pertain to the pace and extent of improvement. The actual pace of reform did not satisfy the Association and other organisations and personalities who were fighting for better education. It must be added that there is no doubt that there were positive reforms.

In the House of Assembly, and as part of another debate on education, Justice F.N.Broome, who represented the electoral division of Pietermaritzburg, stated that in terms of the Cape Town Agreement and in consequence of the obligations with regard to the upliftment of Indians *vis-a-vis* education, the government had passed on the obligation to the provinces. The subsidy set at five pounds and five shillings since 1927 had not been increased. The increase in schools was 92 percent with an increase of 130 percent in the number of scholars.<sup>99</sup>

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96. Khan, *Indians in South Africa*, p.91.

97. *Ibid.*

98. *Indian Views*, 9 January 1937.

The whole question of education could be evaluated against the background of the conclusions arrived at by the Broome Commission with regard to the ineffective position of Indian primary school education which were *inter alia*:

"(1) There is the mushroom growth of the system during the past ten or twelve years. Thousands of Indian children have been sent to school, but their parents have been unable or unwilling to keep them there long enough.

(2) There is the historical reason-the lack of an effective educational tradition amongst the Indian community.

(3) There is the language reason. The medium of instruction even for the youngest is not the mother tongue, which may be one of five or more Indian vernacular languages current in Natal, but either English or Afrikaans, of which most of the children have only the slightest knowledge when they first come to school.

(4) There is the social reason-Indian parents generally are reluctant to send their girls to school because they do not as yet as a body value education for women...

(5) Above all, there is an economic reason. The average Indian worker earns about three pounds per month and has a large family - perhaps half-a-dozen of school age. He cannot afford to send all of these to school at once, paying for fees, books, etc. The boys are given preference where possible, as being the prospective wage earners. The girls are kept at home not only or, perhaps, not even mainly for the social reason indicated above, but for the economic reason that they are wanted at home to look after the younger children and for other domestic chores..."<sup>100</sup>

Kuppusami's study of Indian education in Natal included an evaluation of the Broome Report and revealed that the improvements referred to "...were not commensurate with the increasing Indian population of school age".<sup>101</sup> Kuppusami

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99. *House of Assembly Debates*, 22 July - 24 September 1938, col.1333-7.

100. *Report of the Education Commission*, 1937, paragraph 439, p.81.

101. Kuppusami, 'Indian Education', p.20.

had difficulty in establishing whether any significant progress had been made in Indian education purely on the basis of annual enrolments which he found to be insufficient for assessing progress. He revealed that there had been a lack of correlation between the enrolment figures at the sub-standard level and the number who reached standard four. He found that out of 6146 children enrolled in sub-standard one in 1931, only 1522 reached standard four in 1936. He concluded that a reasonable degree of literacy had not been attained when 75 per cent of the children enrolled dropped out.<sup>102</sup>

Hey, in his attempt to study pressure on the Indian to achieve, focussed on educational aspects within the Indian elite and concluded that he discovered that "Natal is ignoring her resources of trained Indian intelligence, and not securing the future of the Province by providing adequate opportunity in the schools or in the larger society."<sup>103</sup>

#### CAMPAIGN AGAINST THE AGENT-GENERALS

The Agent-General, Kunwar Sir Maharaj Singh, got off to a bad start in his relationship with the Association. His absence at their functions was noticeable. As early as 11 December 1933, 20 days prior to the scheduled date for the Association's first Natal Provincial Conference, the joint honorary secretaries of the Association had written to the Agent-General informing him of the proposed conference and extending its invitation to him and his wife. A few days later the Agent-General replied stating that he could not attend due to prior commitments in Johannesburg.<sup>104</sup> According to Mesthrie his real reason for not attending the conference was that the SAIC opposed his idea of him accordng any recognition to the Association. Singh's relationship with the NIC and the Association is revealed in a communication between Sir Fazli

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102. *Ibid.*, p.21.

103. P.D. Hey, *The Rise of the Natal Indian Elite*, (Pietermaritzburg, The Natal Witness (Pty. Ltd.), 1961), p.53.

104. *Indian Opinion*, 5 January 1934.

Husain and the Agent-General as follows: "We have to stand by Congress, not merely because we stood by it in the past but also because it is pursuing the saner course".<sup>105</sup> An editorial in *Indian Opinion* implied that the Agent-General was anti-Association and pro-NIC and quoted instances when the Agent-General made special trips to Durban to attend to matters affecting the NIC. His non-acceptance of the Association's invitation was viewed by the newspaper as an anti-Association attitude.<sup>106</sup> According to Pahad the government of India "supported and encouraged" their Agent-General to favour Congress. He was instructed by the government of India to support the Congress as it was "more rational and representative".<sup>107</sup> From the manner in which the Agent-General conducted his relationship with the Association it was made quite clear that the Agent-General did not give the Association the same treatment accorded to the Congress (SAIC & NIC). This assumption is substantiated by the fact that Singh informed Sir Fazli Husain that the Association was not an entity to be concerned about. He stated that the Association had no support outside Natal and the support in Natal was confined to Durban. He added that it was an organisation without the financial resources and that the only significant leader was Christopher. On the other hand he boosted the image of the SAIC and its subsidiaries as the financially resourceful and influential organisation.<sup>108</sup>

In his presidential address at the Association's first Natal Provincial Conference, Advocate Christopher questioned the need for the presence of an Agent of the Government of India in South Africa. He pointed out that while the Cape Town Agreement was operative the existence of the Agent-General was acceptable. This was so because the Agent-General was appointed with the duty to ensure that the terms of the Agreement were carried out. He also emphasized the Agent-General's pro-NIC attitude.<sup>109</sup> Twenty-two resolutions were passed at

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105. Mesthrie, 'From Sastri to Deshmukh', p.164.

106. *Ibid.*

107. Pahad, 'Indian Political Movements', p.121.

108. Mesthrie, 'From Sastri to Desmukh', p.162.

the conference all with lively discussion. The discussion on the resolution on the Agent-General took half a day . The original motion read as follows: "That this Conference in view of the fact that the Agent of the Government of India does not represent the majority of Indians in the Union hereby requests the Government of India to recall the Agent." This motion was however amended and merely appealed to the Government of India and its people to take note of the position created by the Agent in disrupting the unity of the community and asked them to take steps to prevent the Agency from acting prejudicially towards sections of the Indian community. This attitude was glaringly evident in his handling of Transvaal Asiatic Land Tenure Act Commission *vis-a-vis* the Transvaal Indian Congress non-participation in the Commission. Numerous examples of his partisanship have been documented.<sup>110</sup> There were in fact three schools of thought on this point, one which felt that the original motion was too strong, the second which believed that nothing would be gained by condemning the Agency and the third which felt that the motion was not harsh enough.<sup>111</sup>

On account of the attitude of the Agent-General towards the Association, the Association saw the presence of the Agent-General in South Africa as an obstacle to their development and the development of the Indian community. At a mass meeting held under the auspices of the Association in Durban on 10 February 1935, the question of the Agent-General was discussed as the first item on the agenda. A resolution was passed condemning the methods employed by Agent-General Singh, who instead of confining his duties to the implementation of the Cape Town Agreement, "served the interests of a minority and has acted in a spirit of partisanship", regardless of the opposition of the Indian community in South Africa. This resolution was passed with one dissenting vote.<sup>112</sup> The methods employed by the Agent-General in dividing the community

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109. 'Agenda Book'.

110. See Chapter 4, pp.110-111.

111. *Indian Opinion*, 12 January 1934.

112. *Indian Opinion*, 15 February 1935. ; See chapter 4, pp.110-111.



were objectionable, particularly in his support of the Congress. The Association feared that this divide-and-rule policy of the Agent-General would destroy the Indian in South Africa. However, the Agent-General was not consistent even in his attitude towards Congress. He stood by Congress for as long as the body agreed with him but as soon as they disagreed with him and passed resolutions opposing the Land Tenure Act, he ignored them. He quickly recognised a new body which was prepared to co-operate with the Feetham Commission in relation to the Asiatic Land Tenure Act: the Transvaal Indian Commercial Association which was created by the Agent-General for a specific purpose and was abolished after this purpose was served. It was examples of such double standards that the Association could not tolerate.

The successor to Agent-General Singh, Sir Raza Ali, incurred the wrath of the Association and other political organizations when he referred to Indians as "coolies" in a speech made at Dundee on 21 November 1935. A meeting of the Association was held on 8 December 1935 in Durban to protest against this reference. Advocate Christopher presided over the meeting and in his address he pointed out that the Agent-General had insulted the Indians who came under the indentured immigration scheme and their descendants. He added that the Indian community had always objected to the term being used by the Whites when referring to them.<sup>113</sup> The explanation of the Agent-General was also read out at the meeting. He said that no offence was meant as it was an historical fact that Indians who came under the indenture scheme were referred to as "coolies". He added that the term meant agricultural labourer and carried no stigma. He pointed out that the reference was taken out of the context of his speech and had therefore been misinterpreted.<sup>114</sup>

The Association found every opportunity to attack and condemn the presence of the Agent-General in South Africa. At a mass meeting of the Association held under the auspices of its Maritzburg branch on 14 February 1937 to protest against the Marketing Bill, Mr. P.R.Pather found reason to attack the Agent-General. He said that while having the government of India's Agency in South Africa, laws were still being passed against Indians. He stressed the

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113. *Indian Opinion*, 13 December 1935.

114. *Ibid.*

futility of having an Agent-General who had no influence on the status of the Indians as it stifled the Association's ability to articulate the grievances of the community. He added that this was especially so because all matters concerning the Indians were referred to the Agent-General and that the position of the Indian was reduced to that of the Blacks, "as being people without any voice in their own affairs."<sup>115</sup>

Agent-General Ali came into conflict with the Association when in an interview given in Johannesburg on 28 January 1938, he advocated a limited franchise for Indians in Natal.<sup>116</sup> In a follow-up to their reaction to this matter the Association cabled the Indian National Congress of India expressing its disapproval of the appointment of an Agent-General of the government of India, the main reason being that the Agent-General in South Africa had proved powerless to be of any assistance to the South African Indian community.<sup>117</sup> This was done mainly to prevent the appointment of a successor to Sir Raza Ali. However the Association did not succeed in its campaign against the appointment of another Agent-General. Sir Jagdish Prasad had intended to appoint Mr. M.S.A. Hydari, who was a secretary in the Indian government, but Hofmeyr had advised against that in view of the fact that Hydari had a white wife which would be politically embarrassing for both the South African government and the Hydari's.<sup>118</sup> Sir Raza Ali's successor, Mr. Benegal Rama Rau, was appointed with effect from May 1938. Rama Rau was well qualified for the position of Agent-General in that he held various senior positions in local, provincial and central government and at the time of his appointment had been the Deputy High Commissioner for India in London.<sup>119</sup> Agent-General Rama Rau enjoyed a

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115. *Indian Opinion*, 19 February 1937.

116. See above p.71.

117. *Indian Opinion*, 25 February 1938.

118. Mesthrie, 'From Sastri to Deshmukh', p.195.

119. *Ibid.*, p.196

much more favourable relationship with the Association than his predecessors as a result of which he was successful in negotiating unity between Congress and the Association.<sup>120</sup>

An evaluation of the strategy and tactics adopted by the Association throughout the period of its existence, 1933-1939, reveals that it was a moderate organization trying to articulate the aspirations of its supporters under very difficult circumstances. Firstly, it was not viewed favourably by the Union government on account of its stance *vis-a-vis* the Colonization Inquiry Committee. The government of India did not recognize the Association as being fully representative of the Indian community in South Africa for the above-mentioned reasons. Against this bleak background it can be stated that the Association succeeded in its mission and goals. The failure of the Colonization Inquiry can be attributed to the campaign of the Association. On other issues too the Association succeeded in conveying its message to the authorities by way of petitions, memoranda and resolutions. There was no drastic change in strategy and tactics in the sense that had the rhetoric been converted to action the Association would probably have enjoyed more success in articulating the aspirations of the Indian community in South Africa.

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120. See chapter 5 .

## CHAPTER FOUR

MOVES TOWARDS UNITY BETWEEN THE NATAL INDIAN CONGRESS AND THE COLONIAL BORN  
AND SETTLERS' INDIAN ASSOCIATION - 1933 TO 1935.

THE NEED FOR UNITY IN NATAL ; AGENT GENERAL INVOLVEMENT ; ISSUES AT STAKE AND  
THE REACTION OF THE NIC AND THE ASSOCIATION ; NATAL'S INDIAN COMMUNITY CON-  
TINUES TO BE DIVIDED.

## THE NEED FOR UNITY IN NATAL.

The Indian community as a whole recognised that their salvation in South Africa lay in unity, and in view of the unsettled and changing conditions under which the Indians lived, it was essential that all differences be settled and a lasting unity achieved so that one political body could speak and act on behalf of the Indian community as a whole. Calls for unity came from various quarters, more especially the Agent Generals of the period and through the columns of both *Indian Views* and *Indian Opinion*. The need to achieve unity was made urgent because of the extremist activity of the anti - Asiatic elements and their respective organisations in both the Transvaal and Natal.

The South African Reddingsbond, an organisation established to protect and promote the political and economic interests of Afrikaners, issued a circular in October 1934 in which it appealed to all members to join forces in an effort to replace Indian and Black employees with Whites. This organisation which was fifteen months old, established 90 branches throughout the Union with a membership of approximately 26000. The circular stated that the cause of poor Whiteism was the mass employment of Blacks and Indians. It was further stated that they were prepared to allow the Indian to stay in South Africa but objected to their competing with White traders, to have them as their neighbours, and to Indians employing Whites as their servants.'

Dan O'Meara refers to the period between 1934 and 1948 as the so-called 'economic movement' which in turn refers to an organised attempt by a specific class of Afrikaners after 1934 to secure a base for capital accumulation in the industrial and commercial sectors of the South African economy. This 'economic movement' provided the core around which the Afrikaner nationalist class alliance developed in the years 1934-1948. The Reddingsdaadbond was a broadly-based organisation designed to mobilise mass support for the emergence of Afrikaner capital after 1939. Reference is made by Dan O'Meara to the Afrikaner Broederbond and the 'economic movement'. The Reddingsbond was probably a front for the Afrikaner Broederbond as was the Federasie van Afrikaanse

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1. *Indian Opinion*, 12 October 1934.

Kultuur-verenigings (FAK). The FAK was to be one of the most important and influential of the Afrikaner Broederbond's numerous public fronts. O'Meara makes no reference to the existence of the Reddingsbond.<sup>2</sup> The support enjoyed by the Reddingsbond in such a short space of time is a clear indication of the attitude of its supporters. The policy and goals expressed by the Reddingsbond appealed to those whose livelihood was threatened. The Reddingsbond propagated the view that mass employment of other race groups threatened the Whites' livelihood. However, it was the economic depression of the 1933 period which threatened the economy as a whole. In effect this organisation exploited the ignorance of the "poor whites". At a meeting of the Reddingsbond held in Pretoria, Mrs.E.G.Jansen, wife of the Speaker of the Union parliament, said: "I am glad to see that the Reddingsbond is so strongly opposed to the Asiatics, who are a real menace to South Africa's economic independence. The Union includes more Asiatics (199,000) than all the other Dominions outside India combined. The Asiatics have a monopoly of most of the markets and the farmers have to suffer in consequence. It is regrettable that Asiatics are still being supported by Whites. Every penny spent by the Afrikaner with Asiatic traders will bring Afrikanerdom a step nearer to its doom. While descendants of the Voortrekkers have to work with the pick and shovel or have to go begging, the foreigners are driving past in shining motor cars. The Asiatics are prospering, and even the Natives are better off, as he usually has bicycles to ride on."<sup>3</sup>

While the Reddingsbond was active in its propaganda campaign in the Transvaal, the Natal Municipal Association at its 30th Annual Conference passed a resolution calling upon the government, "to frame legislation giving local authorities power to declare areas within their boundaries for the occupation of Europeans only."<sup>4</sup>

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2. Dan O'Meara, *Volkskapitalisme: Class, Capital and Ideology in the Development of Afrikaner Nationalism, 1934-1948*, (Johannesburg, 1983), pp16-87.

3. Joshi, *Tyranny*, p.199.

4. *Indian Opinion*, 12 October 1933.

This upsurge in anti-Asiatic activity coincided with the negative response of the Indian community and the Government of India to the outcome of the Colonisation Inquiry investigations. During the period of the investigations the anti-Asiatic element seemed to keep a low profile probably because they assumed that the Colonisation Inquiry Committee would put an end to the so-called "Asiatic menace". Evidence of the anti-Asiatic attitudes at provincial and governmental levels urged those political rivals within the Indian community to become political allies, but forces within the organisations were opposed to unity.

The Association was still active in its objection to issues that affected the welfare of its members. The Pietermaritzburg branch petitioned the Administration of Natal on the restriction imposed on hawkers in Pietermaritzburg. In a lengthy petition the Association outlined their grievances and appealed for their relief.<sup>5</sup> Similarly a mass meeting was held by the NIC Pietermaritzburg branch in protest against the restrictions imposed on hawkers in Pietermaritzburg.<sup>6</sup> There is evidence here of duplication of work for the same end. A better response could have been forthcoming out of united action. A strong united action could have forced the City Council to retract on this issue yet both bodies were pulling their own way thus dividing the effort and their forces and thereby losing effect. There were numerous examples of this duplication of effort eg. proclamation of slums.<sup>7</sup>

While on a local and provincial level anti-Asiatic activity was rife, in governmental circles it was no better. This fact is evidenced by the following resolution submitted on 27 July 1935 by the Durban General Council of the United Party (Smuts-Hertzog) for the attention and consideration by the Party Congress to be held in Durban on 13 and 14 August : "That [as] the Indian Agreement (Cape Town Agreement) has failed to preserve the *status quo ante*

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5. *Indian Opinion*, 24 May 1935.

6. *Ibid.*

7. See Chapter 3, pp.85-86.

regarding the penetration of Asiatics into White areas, rural and urban, steps should be taken immediately to control by legislation the further acquisition of land and property by Indians."<sup>8</sup> The anti-Asiatic resolution as proposed by the Durban General Council had not been considered by the Party Congress and was consequently "shelved".<sup>9</sup> However, there was no such provision in the Cape Town Agreement but provision was made that those Indians who were prepared to conform to western standards should be permitted to do so.

In the face of renewed hostility and racial antagonisms there was a resounding chorus for unity. Although unity was considered at the time, trivial incidents prevented the attainment of unity. Realisation of the need for unity was unquestionable. The leaders were aware of the threat that the Indian community faced.

#### AGENT-GENERAL INVOLVEMENT.

Kunwar Sir Maharaj Singh was the third Agent-General since the advent of the Agency of the Government of India in South Africa in 1927. Singh differed from his predecessors, who were prominent non-officials. He was a distinguished official, who had the rich experience of British bureaucracy.<sup>10</sup> Sir Fazli Husain had been most influential in choosing Sir Kurma Reddi's successor. His decision to nominate Singh was influenced by several factors which included *inter alia* that the Indian government wanted its Agent to make an impact on the white society in South Africa; Singh was a descendant of Indian royalty and had been educated at Harrow and Oxford; his wife Kunwarani was to accompany him and she could play an influential role in assisting the Agent's social obligations. Singh's ability to effectively serve the Indian government was unquestionable. His credentials for the job included the fact that he had occupied official positions in local and provincial government; he had some

8. *Indian Opinion*, 9 August 1935.

9. *Indian Opinion*, 23 August 1935.

10. Joshi, *Tyranny*, p.192.



understanding of Indians overseas; he had previously undertaken an investigation into conditions of Indian labour in Mauritius; he was knowledgeable about conditions in British Guiana since he undertook an inquiry in 1925 into the possibilities of a colonisation scheme to attract Indian labour there. This experience would have definitely made Singh the right man for the job in view of the South African and Indian governments plan to investigate colonisation possibilities for Indians.<sup>11</sup>

The few prominent Indians, who were offered the post, declined in view of the outcome of the Second Round Table Conference, which had not been received well by either country. Indians in India believed that the Government of India would have no need to appoint an Agent in South Africa in view of the fact that the population of Indians was 80 percent colonial-born and consequently there was no need to maintain contact as these Indians would become naturalized citizens of their country of birth.<sup>12</sup> Singh's position was further encumbered in that his arrival coincided with one of the most burning questions of the time in August 1932, when the Transvaal Asiatic Land Tenure Act was promulgated and the Feetham Commission appointed. The Transvaal Asiatic Land Tenure Act and its subsequent amendments established statutory segregation of Indians in the Transvaal and the Feetham Commission (TALT Act Commission) was appointed with the main objective of examining each case of occupation of proclaimed land by "Coloured" persons in the Transvaal and to compile a register of those individuals who were in legal and illegal occupation. The Commission held its first public sitting in Johannesburg on 9 May 1933 and continued with its proceedings until submission of its final report and recommendations in December 1933.<sup>13</sup>

In 1937 the register that had been compiled by the Commission was forwarded to the Minister of the Interior. With the submission of the final part of its report the Commission recommended that a more permanent machinery should be -----

11. Mesthrie, 'From Sastri to Deshmukh', pp.141-142.

12. *The South African Outlook*, vol. 62, 1 June 1932, p.102.

13. UG7, *Report of the Transvaal Asiatic Land Tenure Act Commission*, 1934, parts 1 & 2, pp.3-4.

established with the purpose of completing all matters arising from the work and recommendations of the Commission. In 1937 Act 32 of 1937 was passed. Section 3 of the said Act empowered the Minister of the Interior to appoint such a committee, should the need arise, after the dissolution of the Feetham Commission. The functions of the Feetham Commission were accordingly taken over by the following bodies :

- (a) Transvaal Asiatic Land Tenure Act Committee, 1937-1946;
- (b) Land Tenure Advisory Board, 1946-1955;
- (c) Group Areas Board, 1955-1991.

The Transvaal Indian Congress (TIC) and the SAIC were opposed to the principle of participation with the Feetham Commission. Singh created the Transvaal Indian Commercial Association (TICA) to satisfy the principle of Indian participation with the Feetham Commission. The Indian government gave Singh specific instructions on the Transvaal situation. He was to ensure that Indians did nothing to upset the Minister of the Interior and "so alienate his sympathy and goodwill" because in terms of the provisions of the TALT Act the Minister had the power to exempt areas. Singh was also directed to ensure that the Indians presented evidence to the Feetham Commission.<sup>14</sup> His actions were condemned by the Transvaal Indians who lost all respect for him. This split in the ranks of the TIC can be noted as the first serious rivalry in the Transvaal between the two political organisations, as had been the position of the Natal Indians since 1933. Singh also played a significant role in creating disunity in Natal with specific reference to the colonisation issue and further with his deliberate bias in favour of Congress (SAIC & NIC), whilst ignoring the Association and the feelings of the majority of the Indians. Singh was directed to ensure that the SAIC co-operated with the proposed colonisation inquiry.<sup>15</sup> Singh contributed to the disunity of the South African Indian.

Some saw the Agency as, in the words of Joshi, "a double-edged sword and a double dealing hag and that it was not meant to emancipate the Indians but to make them slaves of the Indian Government".<sup>14</sup> *Indian Opinion* evaluated the

14. Mesthrie, 'From Sastri to Deshmukh', p.142.

15. *Ibid.*, p.157.

Agent-General's achievements as follows: "We cannot conceive a single achievement in his favour. The only thing outstanding about him is that he has divided the community..."<sup>17</sup> However, in a rather compromising way the editorial justified the Agent-General's position stating that he had his limitations as a servant of the Government of India. The editorial blamed the leaders of the Indian community for succumbing to the wishes of the Agency notwithstanding the wishes and aspirations of the community.<sup>18</sup> *Indian Views* responded to *Indian Opinion's* criticism of the Agent-General, in an article captioned "A Dastardly Attack". The editorial severely criticized and condemned *Indian Opinion* for being prejudiced.<sup>19</sup> In its assessment of the work of the Agent-General and his wife, the editorial defended and praised them for their dedicated service and contribution to the upliftment of the Indian community in South Africa.<sup>20</sup> The *Natal Advertiser* also joined *Indian Views* in praising the outgoing Agent-General.<sup>21</sup> At a mass meeting held under the auspices of the Association on 10 February 1935, a resolution condemning the methods employed by the Agent-General, was passed in the following words : "This mass meeting ... condemns the methods employed by the last Agent...who instead of confining his duties to the working of the Cape Town Agreement...has served the interests of a minority and has acted in a spirit of partisanship..."<sup>22</sup> In addition two further resolutions were passed in -----

16. Joshi, *Tyranny*, p.193.

17. *Indian Opinion*, 18 January 1935 .

18. *Ibid.*

19. *Indian Views*, 18 January 1935.

20. *Indian Views*, 25 January 1935 and 1 February 1935.

21. Quoted in *Indian Views*, 25 January 1935.

22. *Indian Opinion*, 15 February 1935.

condemnation of the action of the Agent-General . One dissenting voter proposed a resolution which expressed appreciation for the work performed by the Agent-General but could not get a person from a crowd of 700 people to second his motion.<sup>23</sup>

Notwithstanding all the criticism levelled at the Agent-General, Kunwar Sir Maharaj Singh did make definite attempts to achieve unity. His first stirring appeal for coalition among Indians was made in an address at a mass meeting of Indians in Cape Town, held under the auspices of the Cape Indian Congress (CIC) on 18 June 1933. In his appeal he emphasized the need for members of the Indian community to refrain from making personal attacks on one another but rather to strive after a unity of purpose which would result in bringing about success.<sup>24</sup> Singh's most significant attempt to negotiate a settlement between the SAIC, NIC and the Association, was embarked upon in collaboration with Reverend C.F.Andrews as mediator in August 1934. Despite the mediation of Andrews, the attempt was in vain. The failure was attributed to the notion that, "the split was too deep and charged with personal animosities and recriminations ." This private informal meeting was held at the residence of Agent-General Singh on 3 August 1934 at which Rev. Andrews indicated that it could be discerned from the discussion held with Albert Christopher that the time was not ripe for unity nor was it possible for the two bodies to "run on parallel lines with a mutual understanding that there was to be no attacking one another". S.Rustomjee, A.I.Kajee, B.M.Patel, V.S.C.Pather, Swami Bhawani Dayal, C.F.Andrews, Agent-General Singh and his secretary C.S.Ricketts attended this informal meeting.<sup>25</sup> Andrews suggested that the atmosphere had to be congenial to secure unity between the SAIC, NIC and the Association and advised the two local Indian newspapers, *Indian Opinion* and *Indian Views* that they should not be used to inflame the situation any further and that in view of the SAIC's and NIC's strong position Congress should be victorious. Rus-

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23. *Ibid.*

24. *Indian Views*, 23 June 1933.

25. Pahad, 'Indian Political Movements', p.135.

tamjee objected to this suggestion and advocated that the NIC and SAIC would not let their case go unheard and that if *Indian Opinion* were to attack the SAIC and NIC then they would retaliate.<sup>26</sup> With reference to this attempt to negotiate a coalition, an *Indian Opinion* editorial captioned "An Appeal for Unity", stated that "those who have been been responsible for officially informing Reuter that at the request of the Agent and with the full approval of the Indian Congress leaders, Andrews made great efforts to reconcile the Congress and the Colonial-Born Settlers' and Indian Association but unfortunately failed, have been unfair to the Colonial- Born Association and the message only shows how the spirit of arrogance is still prevalent".<sup>27</sup> The impression created by the message is that the Agent-General was desirous of reconciliation, the Congress leaders gave their full approval but the leaders of the Association did not want reconciliation.

If the situation as recorded by Andrews was not a true reflection then the Association had every right to deny it. The message (Reuter) implied that the Association was the obstacle to unity. The *Indian Opinion* editorial further described the message as "far from truth" and emphasized that if there was anyone desirous of reconciliation then the leaders of the Association were as keen as any other person. It added that if Mr. Andrews' efforts were to fail, it would not be because of the leaders of the Association. However, Mr. Andrews voiced his disappointment with the Congress leaders.<sup>28</sup> There appears to be a definite contradiction between the above comment and the comment on the proceedings of the informal meeting held at the home of the Agent-General. The impression created by the latter indicates that reconciliation was beyond negotiation and all blame appears to have been attributed to the arrogance and personal animosities of Albert Christopher and the Association

Agent-General Singh affected the Indian community in South Africa and more especially in Natal to such an extent that attacks on him dominated the columns of newspapers in South Africa for months after his departure. No other

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26. *Ibid.*

27. *Indian Opinion* 10 August 1934.

28. *Ibid.*

Agent-General had been exposed to this amount of publicity. His role in breeding disunity cannot be underestimated, notwithstanding that his sphere of influence and terms of reference were limited. Singh's term of office was paralleled by major crises and turbulent times in South Africa, mitigated by the effects of the economic depression and the failure of the assisted emigration scheme. A wave of anti-Asiatic feeling in the Transvaal and the inquiry to establish a colonization scheme were serious and sensitive issues and needed diplomatic handling. The Agent-General tried to be diplomatic as possible but failed. The responsibility of the Agent-General was a difficult and tricky one under these circumstances.<sup>29</sup>

In February 1935 the *Indian Opinion* expressed the view that the time was ripe for unity especially on account of Agent-General Singh's departure. It was considered an opportune time to call all leaders of the Indian community together to discuss their differences and work out a *modus operandi* for a united and harmonious future. The need for one body to represent the interests and articulate the aspirations of one community was emphasized.<sup>30</sup> Although this call for unity was made in the absence of Agent-General Singh the community hoped that unity would be achieved before the arrival of the Hon. Sayed Raza Ali, the successor to Singh. This was however not possible.

The arrival of the Hon. Sayed Raza Ali on 6 February 1935 was most opportune in that it coincided with the opening of the Conference of the SAIC the following week, at which he not only was to receive valuable information on the current situation but was also to meet with important representatives of the community from every constituency. *Indian Views* sounded a warning to those who had in the past made unsubstantiated and irresponsible attacks on the Agency. The editorial mentioned specifically the disruptive elements in the Association.<sup>31</sup> Christopher had been very vociferous in his condemnation of the Agency<sup>32</sup> and P.R. Pather had also been vocal in his attacks on the Agency.<sup>33</sup>

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29. See above, pp.110-111.

30. *Indian Opinion*, 1 February 1935.

31. *Indian Views*, 15 February 1935.

32. See Chapter 3, pp.100-101.



Although the editorial did not specify the names of those in the Association who were the disruptive elements, it has to be assumed that Christopher, Pather were considered as such.

The first message to the South African Indian community delivered by Ali as incoming Agent-General to South Africa was : "I hope my countrymen realize the supreme need in standing together in a country where they have enormous political and other difficulties to contend against [sic]. I consider it my duty to help them all without distinction provided they enable me to do so."<sup>34</sup> In welcoming Ali *Indian Opinion* expressed the sincere hope that he would be in a position to unite the community once more.<sup>35</sup> Ali's message to all South Africans was that, " There was no problem too difficult to solve, if only you, the people of South Africa, are actuated by a spirit of co-operation and friendliness".<sup>36</sup> The *Natal Advertiser* in referring to Ali's task, firstly expressed gratitude to the Government of India for paying a compliment to South Africa by sending such a distinguished public man, the Hon. Raza Ali, to carry on the work of his predecessors. In identifying his greatest task the editor stated that : "... his greatest difficulty in securing the lot of his compatriots will come, not from any lack of co-operation on the part of...the European community but from the lack of unity of his own people ...". If he can achieve this then he would have solved problems that no government can remove.<sup>37</sup> There was no doubt that the unity of the Indian community was fundamental to the success of the Agent-General's endeavours but at the same time the lack of co-operation on the part of the White South Africans also contributed to the problem.

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33. See Chapter 3, pp.102-103.

34. *Indian Opinion*, 15 February 1935.

35. *Ibid.*

36. *Natal Advertiser*, 15 February 1935.

37. *Natal Advertiser*, 18 February 1935.

On 17 February 1935 the 15th Conference of the SAIC was opened in Durban. In opening the Conference Ali emphasized the need for co-operation and unity amongst the Indian community. The President of the SAIC, Mr. O.H.A Jhaveri in delivering his address, touched on a variety of disabilities affecting the Indian community throughout the Union.<sup>38</sup> This background information was important for the Agent-General's understanding of the South African situation. The Agent-General pursued his unity call and broadcast a radio message on 18 February 1935 appealing for unity. In a hard-hitting warning to the people Ali stated that disunity was going to work to the detriment of the people and there was no need for it. He expressed the view that for social upliftment separate bodies representing the various sections were in order but on the political front this served no useful purpose. Ali also expressed his joy at the fact that the SAIC Conference had passed a resolution wholeheartedly responding to his appeal for unity, an example which he hoped others would follow.<sup>39</sup>

Ali created a good working relationship with the Association and other organizations and portrayed a clear and better image of the Agency. The leaders consequently viewed the Agency less suspiciously and with optimism and trust. Ali pursued his appeal and efforts to achieve unity with utmost zeal, but in April 1935 informed his government that his failure to achieve any substantial success was due to the fact that during Sir Maharaj Singh's term, "the Congress came to wield an influence ... it never had in the time of Mr. Sastri or Sir Kurma Reddi."<sup>40</sup> Ali also attempted to rectify the wrongs of his predecessors and attempted to establish closer ties with the Association. To achieve this he requested his government's permission for the Association to work with him. He pointed out that the Association was recognized both amongst the Indian community and officially by the government of South Africa and also expressed the view that there was a need for every section of this community to be able to approach him.<sup>41</sup> The response of the Indian government to this re-

38. *Indian Opinion*, 22 February 1935 .

39. *Ibid.*

40. Pahad, 'Indian Political Movements', p.136.



quest was negative. They felt that any initiative without the assistance of the Congress could be unsuccessful and therefore instructed Ali to liaise with the leaders of the Association purely on a personal basis.<sup>42</sup> On taking up his position as Agent-General, Ali was informed by his superiors that: "The government of India are not partisans of any group or association. Their policy is to co-operate with such of them as endeavour to further legitimate interests by constitutional means". He was instructed to be formally courteous to the Association but not to allow the Association "intimate or confidential relations with the Agency...".<sup>43</sup> Contrary to the instructions of his government Ali pursued his aims and was successful in calling a meeting of the two groups ( SAIC & CB&SIA ) who met in conference on 20 August 1935. SAIC representatives were A.I.Kajee, J.W.Godfrey, S.R.Naidoo, V.Lawrence, V.S.C.Pather and S.Rustomjee. Although there were 6 Association representatives only the names of P.R.Pather and P.B.Singh were recorded in the semi-official correspondence of the Agent-General to his government. Albert Christopher was not amongst the representatives of the Association, and his absence was described in the following terms, "he was always suspected of standing in the way of unity."<sup>44</sup> The other representatives of the Association were L.Gabriel, S.L.Singh, D.S.Chetty, and Dr. M.R.Peters. This information emerged from a report of the secretaries of the Association's Pietermaritzburg branch, which included a comment on the Conference.<sup>45</sup> At this Conference various proposals were made, which included the calling of a referendum to ascertain which group had greater mass support and the possible dissolution of the NIC or the Association, but it was finally agreed that a new organization, the Colonial

41. *Ibid.*

42. *Ibid*, p.137.

43. Mesthrie, 'From Sastri to Deshmukh', p.165.

44. *Ibid.*

45. *Indian Opinion*, 27 December 1935.

Born and Settlers Indian Congress should be formed. The representatives of the Association were persuaded by the Agent-General to recommend the above proposal to its executive but the NIC representative, S. Rustomjee, refused to follow suit. On this note it was agreed that the unity proposal should be submitted to the executives of both groups for free discussions and opinion.<sup>46</sup>

A proposal that the SAIC should also change its name was defeated. The Agent-General expressed the view that the NIC was inactive while the SAIC was actively engaged on behalf of the Indian community and also supported the Agency.<sup>47</sup> However, nothing came of these proposals for various reasons. The Association was not eager to relinquish its position as an established body in Natal and the NIC was not prepared to serve on the same committees as the Association because it felt that by doing so tacit recognition would be accorded to the Association. Leadership was a further consideration which neither was prepared to forgo. Each leader risked losing his high status in his respective organization with reconciliation or amalgamation.<sup>48</sup> None of these considerations indicate that these bodies were acting in the interest of their compatriots but rather point to selfish personal interest, which perpetuated disunity over the years. However, the move by the Agent-General was hailed as a breakthrough in the columns of the *Indian Opinion*. This was the first time since the split within the SAIC that the representatives of the rival bodies had met to discuss reconciliation and all credit had to be accorded to Ali for his perseverance. The leaders were urged to express their sense of true leadership by uniting. The editorial suggested that in the event of unity being achieved an inter-provincial conference should be called to provide the loyal supporters of both groups with a forum to air their grievances so that their leaders could not be accused of any arbitrary action.<sup>49</sup>

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46. Pahad, 'Indian Political Movements' p.136; *Indian Opinion*, 27 December 1935.

47. *Ibid*, p.138.

48. *Ibid*.

49. *Indian Opinion*, 23 August 1935.

Although these unity moves ended in dismal failure an important process had begun, in that Ali had broken the ice. Negotiations was not a process to be ruled out in the future. When his attempt to reconcile the NIC and the Association failed he decided to throw his support behind the NIC and confine his relationship with the Association "to social matters". Sir G.S. Bajpai in supporting this decision informed Ali: "Your decision to continue to give unqualified support to Congress is undubitably sound".<sup>50</sup> These incidents as well as the communications provide further supportive evidence that the Agent was not a neutral observer of Indian politics in South Africa.

#### ISSUES AT STAKE AND THE REACTION OF THE NIC AND THE ASSOCIATION

At a meeting of the Pietermaritzburg branch of the NIC held on 10 February 1935 a breakthrough in the direction of unity was made with the election of many Association supporters, who were critics of the NIC, as office bearers. The need for unity was reinforced by the revival of anti- Asiatic feelings in governmental and provincial bodies.<sup>51</sup> On 10 February 1935 a mass meeting was held under the auspices of the Association in Durban. Approximately 700 supporters attended though there was a NIC meeting held at the same time in Durban. Numerous issues were discussed and resolutions were passed dealing with vital matters that affected the day to day lives of the majority of the Indian community in South Africa.<sup>52</sup> Although no mention of moves to unity had been made at the meeting of the Association an issue had been made of disunity. This was claimed to have been caused by the ex-Agent-General. This meeting could have been used to accelerate the pace of a unity movement significantly, especially in view of the revived anti - Asiaticism.

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50. Mesthrie, 'From Sastri to Deshmukh', pp.165-166.

51. *Indian Views*, 15 February 1935.

52. *Indian Opinion*, 15 February 1935.

At a welcome reception held on 15 February 1935 for the honourable Raza Ali , the President of the NIC pledged the NIC's support for the Agent-General's endeavours and concluded that the NIC would co-operate with him. In his speech Ali re-iterated the need for unity and pleaded with the Association and the NIC to join hands, stating, *inter alia*, that amalgamation was also a necessary duty of both groups so that the Indian community would eventually have one political body to articulate their aspirations.<sup>53</sup>

Mr. Manilal Gandhi was present at the 15th Conference of the SAIC held on 17 February 1935. His presence was considered historic and viewed optimistically for the sake of bringing about unity. Manilal Gandhi's presence at the Conference was regarded as a "forward step in the direction of bringing about unity in the Indian community".<sup>54</sup> Manilal Gandhi in a published response to *Natal Mercury* dated 21 February 1935, stated that he was merely a guest of the Hon. Raza Ali and that he had not rejoined the SAIC; furthermore that this was unlikely until some peace was attained by both groups. He also stated that he was no longer a member of the Association but had adopted the position of an independent with the primary objective of bringing about unity between the two groups. He emphasized the need for both groups to recognize the existence and importance of the other in a spirit of tolerance and friendliness.<sup>55</sup> In an editorial in *Indian Views*, Manilal Gandhi was congratulated on his resignation from the Association. His decision was considered a sensible one and hope was expressed that he would work towards unity.<sup>56</sup> Although there was a resounding chorus for unity after the arrival of Agent-General Ali, bitterness persisted between the Association and Congress (NIC & SAIC) which indicated that the time was not ripe. The ex-Agent-General Singh stated in New Delhi, India, that the future of the South African Indian was safe in the hands of the SAIC which was the strongest political body and fully representative of the South

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53. *Indian Opinion*, 22 February 1935.

54. *Natal Mercury*, 19 February 1935.

55. *Natal Mercury*, 21 February 1935; *Indian Opinion*, 22 February 1935.

56. *Indian Views*, 15 March 1935.

African Indian population. Albert Christopher responded to this statement on behalf of the Association stating that it "is a misstatement of facts". He attributed these utterances to the fact that Sir Maharaj Singh had been elected as the SAIC's new president and as such the statement of Singh could not be received free from prejudice and personal interest.<sup>57</sup> The Association had been accused of being an obstacle to attempts made by the respective Agent-Generals to achieve unity<sup>58</sup>. These accusations were refuted at the time when they were made<sup>59</sup> and in response the Association's Pietermaritzburg branch declared in the October 1935 edition of its newsletter, *The Bulletin*, that the Association had done everything in its power to pursue reconciliation and thus could not be blamed for the perpetuated state of disunity.<sup>60</sup> However according to the records of the Agent-General in the National Archives of India, as researched by Pahad, the "Association was not enthusiastic [about unity] because it was an established body in Natal."<sup>61</sup> Contrary to the declaration of the Association that it worked towards establishing unity, the Agent-General's records indicate that the Association was not 'enthusiastic' about unity.

Once again at the Annual General Meeting of the Association's Pietermaritzburg branch, held in December 1935 the President, Dr. M.R.Peters, in referring to the August 1934 private conference on unity,<sup>62</sup> re-iterated the Association's claim that, "We desired reconciliation. Our side made forceful speeches to achieve unity. We could not be blamed if this had not come about."<sup>63</sup> The time

57. *Indian Opinion*, 18 March 1935.

58. See above pp.113-114.

59. See above p.114.

60. *Indian Opinion*, 22 November 1935.

61. Pahad, 'Indian Political Movements', p.138.

62. See above p.113, for details of the meeting.

63. *Indian Opinion*, 27 December 1935.

was thus not yet ripe for unity. There was a strong division of opinion and bitterness from certain self-motivated individuals who were not ready to compromise their individual leadership roles for the sake of the long-term existence of the Indian community in South Africa.

#### NATAL'S INDIAN COMMUNITY CONTINUES TO BE DIVIDED

The discord prevalent amongst the Indian population in South Africa was not peculiar to Indians only. This discord existed amongst the White population and their government representatives as well. Owing to discord and bitterness during the period from late 1932 to early 1933, there had been dissension in governmental circles which resulted in the formation of the Central Party by Mr. Tielman Roos. In 1935 relations normalized and Mr. Roos urged his party to amalgamate with the United Party. Roos stated that the diverse number of parties in existence representing the White community did not serve the interest of the country as a whole and urged that, "personal interest should make way for the interests of the state" especially in view of the threats inherent in an economic depression.<sup>64</sup> In an editorial, captioned "an example to follow", the *Indian Views* stated that although they did not admire Mr. Roos or his political programme they saw in Roos's bid a message from which the Association could learn. The editorial recognised both Roos and Christopher as experiencing the same problems.<sup>65</sup> Calpin was also of the view that once the findings of the Colonization Inquiry Committee were "shelved" there was no need for the continued existence of the Association.<sup>66</sup> Roos's explicit appeal for unity indicated that his Central Party was formed for a particular purpose at the time and having served and fulfilled its purpose it had to be dissolved.

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64. *Indian Opinion*, 15 March 1935.

65. *Indian Views*, 15 March 1935.

66. Calpin, *Indians in South Africa*, pp.124-125.

The Association, which was also formed in 1933, specifically to obstruct the Colonization Inquiry, had served its purpose well. It was also time for it to be dissolved through amalgamation with Congress (NIC & SAIC) and other groups. It would also be fair to suggest that the inherent dangers threatening the Indian community were worse than the threat experienced by the White community. The editorial in the *Indian Opinion* captioned, "no question of hat in hand" refers to an article from a Johannesburg correspondent criticizing the suggestion that the Association should follow the example of Tielman Roos by going hat in hand to Congress. On behalf of and in defence of the Association the editorial stated that in the interest of the community the Association would do everything possible to achieve unity but this did not imply going hat in hand to Congress. It added that the use of the Roos example was designed to give impetus to the leaders of the Indian community in their bid to achieve unity. The editorial also urged the newspapers to forget about the ex-Agent-General Sir Maharaj Singh, for as long as his name was associated with South African Indian affairs the chances of achieving unity were pessimistic.<sup>67</sup>

The Indian leaders had failed to recognize the interests of their community but were continuously aiming at recognition in a rather selfish way. Both Congress and the Association were guilty of this. The anti-Asiatic elements persisted in their efforts to reduce the number of Indians in South Africa by inflicting more severe economic pressure by way of added restrictions. This was achieved in various ways which included, amendments to Section 16, 17, and 19 of the Rural Dealers' Licensing Law Amendment Ordinance of 1923 in the Natal Provincial Gazette of 18 April 1935.<sup>68</sup> The *status quo* was affected by these amendments by the transfer of greater powers to the local authorities to consider applications for business licences. The amendment also provided a restriction on the number of similar businesses operating in an area and delegated further powers to the local authorities to control or impose restrictions on such applications. The Indians feared that the act would be administered to their disadvantage. Another example is contained in George Hulett's suggestion at the Annual General Meeting of the South African Cane

67. *Indian Opinion*, 29 March 1935.

68. *The Official Gazette of the Province of Natal*, 18 April 1935, p.260.



Growers Association that the mills should refuse to accept cane from Indian and Black farmers because they posed a threat to small White entrepreneurs by their increased output from 153000 tons in 1927 to 275000 tons in 1934.<sup>69</sup>

However, in response to the amendment to the Rural Dealers' Law Amendment Licensing Ordinance the NIC submitted a lengthy memorandum to the Minister of the Interior protesting against certain sections of the Ordinance. Its main concern was that the Ordinance might be applied to the disadvantage of the legitimate interests of the Indians.<sup>70</sup> Despite strong opposition by the Indian community the Ordinance received the assent of the government and was promulgated.<sup>71</sup>

There were only minor differences between the Association and Congress in terms of strategy, tactics, principles, ideology and effectiveness. However, there was too much rhetoric and not enough action. Resolutions were the dominant feature of both organizations but these were not carried through all the stages of implementation. Disunity and communal strife dominated the struggle and existence of this small community. As early as 1909 Mahatma Gandhi sounded a warning to the Indian community which read as follows : "It is urgently necessary that all sections of the Indian community in South Africa should sink whatever differences may exist among them and unite ... their fate hangs in the balance ... all the need more for a concentration of our forces and for the utmost unity and persistence in action. We cannot afford to dissipate our energies in communal strife."<sup>72</sup> This advice had been given 26 years earlier to the leaders and the community. In 1935 the situation still persisted and the same warning could be sounded. Palmer expresses the problem confronting repressed minorities that, "this situation was by no means unique or surprising since it was an established fact that the frustration and irritation of a repressed community nearly always results in these personal

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69. *Indian Opinion*, 3 May 1935.

70. *Indian Opinion*, 21 June 1935.

71. *The Official Gazette of the Province of Natal*, 18 April 1935, p.260.

72. *Indian Opinion*, 28 August 1909.



rivalries."<sup>73</sup>. The minorities (Indians) could not displace their frustrations on the Whites, but had to find another outlet. The safety valve, as usual, was found in feuds between members of the 'oppressed' community.<sup>74</sup> This describes the position prevalent amongst the small Indian community. The South African Indian community was thus acting normally in an abnormal environment. Evidence of a duplication of effort persists throughout the period during which the NIC and the Association were in existence. These organizations were parallel bodies with common aims. A great amount of money and time was spent by both in outdoing each other. For every move the Association made the NIC made a countermove, which weakened the effective opposition of both groups. Both organizations believed that they were serving the best interests of their community. The Association proved that it was a force to be reckoned with by usurping the influence of the NIC and the SAIC in Durban and Pietermaritzburg. It also managed to keep the NIC at bay to the extent that the NIC failed to hold its annual general meeting from 1933-1935. From 9 June 1935 to 20 October 1935 the NIC postponed its meetings five times. On the last of these days it was postponed indefinitely.<sup>75</sup>

Although the Association enjoyed support in Natal it lacked this support in the Transvaal and Cape Province, which were strongholds of Congress (NIC&SAIC). In the Transvaal the Association received a poor response. The Association was invited by the Transvaal Tamil Benefit Society to address a meeting at Johannesburg on the colonization issue. Meetings were held in Pretoria and Johannesburg on 23 November 1934. The meeting held in Johannesburg was disrupted by S.M.Nana of the Transvaal Indian Congress who challenged the Transvaal Tamil Benefit Society for convening the meeting. Members of the Association were rudely insulted and vowed never to go back to the Transvaal.<sup>76</sup>. With regard to the Cape Province, the Association failed to ad-

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73. Palmer, *History of Indians*, p.114.

74. *Ibid.*

75. *Indian Opinion*, 1 November 1935.

76. *Indian Opinion*, 28 September 1934.

dress any meetings in the face of a strong SAIC influence. The other factor against the Association's influence was that the Indians in the Cape were uninterested in the colonization issue as it did not affect them to a great extent because the majority of the Indians were married to Malays who were not affected by most of the anti-Asiatic activity.<sup>77</sup> The SAIC kept a low profile and also failed to hold its annual conference in 1933 and 1934 but managed to organise one in February 1935. The SAIC lost support on account of its cooperation with the Feetham Commission and the handling of the report.

Both the NIC and the Association failed to translate their rhetoric into effective and constructive action. The NIC being the favourite of the Agent-General received preferential treatment in respect of recognition whilst the Association was neglected. The Association may have had a greater impact and influence had the Agency not favoured the NIC by giving it *de facto* recognition.

In Calpin's analysis of the unity and disunity of the Indian political bodies he stated that the Association should have disbanded itself after it realized that it had served its purpose. Instead in their determination to sustain their individuality they claimed to champion the poor and attacked the Congress for favouring the rich at the expense of the poor. This also created the wrong impression of the Congress in the eyes of the Whites, who also began to view the Congress in the same light.<sup>78</sup> Calpin attributed the existence of the Association to "communal differences and personal attacks" and described its leaders as intransigent in the following words: "what one of them advocated one day he would oppose the next. He would leave Congress on the flimsiest of protests, gather a few partisans together, and start a new body. This accounts for the wearisome repetition of attempts at unity and for the inglorious failure with which they have been attended."<sup>79</sup> From the facts Calpin's analysis does no justice to the Association. If Calpin's view was truly a

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77. Pahad, 'Indian Political Movements', p.128.

78. Calpin, *Indians in South Africa*, pp.124-125.

79. *Ibid.*

reflection of the *modus operandi* of the Association it would not have achieved the recognition and the effect and impact that it had on Congress during this period.

Natal's Indian community was divided and continued to be divided despite several attempts at uniting the main rival bodies, namely the South African Indian Congress, Natal Indian Congress and the Association.

CHAPTER FIVE  
CONFLICT AND COMPROMISE

URGENCY FOR UNITY ; WEAKENING OF THE CB&SIA ; RE-EMERGENCE OF THE NIC ;  
ENDEAVOURS TOWARDS MERGER BETWEEN THE CB&SIA AND THE NIC ; AMALGAMATION  
ACHIEVED - FORMATION OF THE NATAL INDIAN ASSOCIATION .

## URGENCY FOR UNITY.

As has been seen the urgent need for unity was an acknowledged fact for the Indian community but petty bickering, class interests, communal strife and the personal interest of individuals seemed to dominate the existence of this small and divided community. Attempts at unity failed and disunity thrived but factors and circumstances during the period 1936-1939 made it imperative for the two rival bodies to reach a compromise.

In more than one way the year 1937 was a great disappointment to the Indian community. The first took the form of the reshuffle in the Union cabinet. Mr. J. H. Hofmeyr, a loyal friend of the Indian, Minister for the Interior and responsible for Indian Affairs, was replaced by Mr. Richard Stuttaford. This appointment came as a rude shock to the community. The Indians were not upset with the appointment of Mr. Stuttaford but disappointed that they would lose Mr. Hofmeyr. The *Indian Opinion* editorial under the caption "Our New Master", described Mr. Stuttaford's career but expressed the hope that "he will be guided by the same spirit that guided his immediate predecessor...". At this point the editorial indicated that it would be premature to judge him.<sup>1</sup> The 1937 session of Parliament could be viewed as the biggest disappointment of all and the worst experienced by the Indians. Ten Bills which affected Indians either directly or indirectly were the subject of debate. Three of these Bills were purely anti-Asiatic, viz. the Mixed Marriage Bill, the Provincial Legislative Powers Extension Bill and the Transvaal Asiatic Bill. Of the ten Bills, four found their way onto the Statute Book, viz. the Marketing and Unofficial Land Occupation Act No. 26 of 1937, the Industrial Conciliation Act No. 36 of 1937, the Immigration Amendment Act no. 27 of 1937 and the Transvaal Asiatic Land Tenure Further Amendment Act No. 32 of 1937. Only a united Indian community could hope to withstand this onslaught. The Indians were also aware that the general election was scheduled for June 1938. It was traditional that general election campaigns started well in advance of the actual election date. As with previous general election campaigns appeals to racialism abounded and the thorny Asiatic question was seized by all parties in order to

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1. *Indian Opinion*, 10 December 1936.

get the support of the anti-Asiatic voter. Sir Raza Ali, Agent-General, in an address to the Indo-European Council on 29 June 1937, also drew attention to the election campaigns and expressed himself curious to see what new areas would be exploited for discriminatory legislation against "non-Whites".<sup>2</sup>

The Agent General, speaking at Durban's Orient Club in August 1937, exhorted the Indian community to pay special attention to their grave situation. He mentioned that the last session of Parliament was the "heaviest legislative programme attempted against the Indian". He described the position within the Indian community after having spent almost three years among them as "still divided", adding that they were "unorganized and like unsuspecting men sitting on top of a volcano".<sup>3</sup> An editorial in *Indian Opinion* expressed faith in the remarks of the Agent General. It advised its readers to take note of the remarks. It also acknowledged the urgent need for unity. The *Indian Views* editorial drew attention to the fact that although the general election was fixed for June 1938 the campaign had apparently started. It also added that the "standard of election oratory has been set by Dr. Malan...and that the Indian is to be made the chief chopping block in the election campaign."<sup>4</sup>

With the opening of Parliament in 1939 the Indian question emerged into the forefront with the recommendations of the Feetham Commission which were tabled for adoption. The Asiatics (Transvaal Land and Trading) Bill was read for the third time with conflicting points of view on the need for legislation. The Minister of the Interior, Mr. Stuttaford indicated that, "This Bill is giving us breathing space to consider our final proposal...I have no wish to restrict the trading of Indians except that there must be some control, so that you will not take away opportunities of the White man to trade".<sup>5</sup> The Feetham Commission's recommendations were finally held in abeyance and the matter was not tabled thereafter.<sup>6</sup> Realizing the impact and the implications

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2. *Indian Opinion*, 2 July 1937; *Indian Views*, 9 July 1937.

3. *Indian Views*, 13 August 1937.

4. *Indian Views*, 11 June 1937.

5. *House of Assembly Debates*, 29 May 1939, col.5907-5952.

of the moves against the Transvaal Indians, the Natal Indians were alerted to the reality of the problem, which once established in the Transvaal, would spread to Natal and the Cape. The other matter of concern to the Indians was the proposed Bill to empower local authorities to demarcate residential and trading areas for whites only and the Minister for the Interior's segregation plan. In essence Mr. Stuttaford introduced a servitude clause which was designed to compel the Indians to leave the White areas if 75 percent of the landowners agreed to include an anti-Asiatic clause in the title deeds of their properties.<sup>7</sup> The Association and the NIC held mass meetings on 19 February 1939 and 26 February 1939 respectively protesting against segregation.<sup>8</sup> Mr. Hofmeyr warned the government of the inherent dangers and possible agitation should the Bill be promulgated.<sup>9</sup> Essentially Stuttaford could not table the Feetham Commission's resolutions unless he also had a Bill segregating Indians. He considered but did not introduce a servitude scheme. Instead, Stuttaford passed the Transvaal Asiatic Land Tenure Act of 1939 which pegged the status quo while he promised to consider a more comprehensive segregation bill before parliament next reconvened.

Two important developments emerged from the meeting of the NIC of 26 February 1939. The first was the introduction of Indian youth into the struggle and the second was the decision to send Swami Bhawani Dayal to India to explain the situation to the people of India and to educate public opinion there. This was the first time that the Indian youth had participated at NIC'S meetings. Although these youths were not members of the NIC they were organised with a view to taking a more active interest in all matters concerning the Indian community. It would appear, in the absence of any conclusive evidence of the origins of the first Indian Youth Conference, that the reaction of the youths

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6. See above chapter 4, pp.110-111.

7. Joshi, *Tyranny*, p.235.

8. *Indian Opinion*, 24 February 1939 & 3 March 1939.

9. *Natal Mercury*, 3 June 1939.



was a spontaneous response to the crisis *vis-a-vis* the possible introduction of humiliating segregation proposals to be imposed on in the country. This assumption derives from the contents of the Chairman's address to the Conference as well as the resolutions adopted. The assumption that the Conference was inspired by the Association is substantiated by the fact that the office bearers who were elected, viz. Messrs S. Patchay (President); K. Soobramoney and B.R. Naidoo (Hon. Secretaries) all of whom shared the platform at the Association's meeting of 19 February to protest against the segregation proposals. The youths were given the opportunity to address the meeting and one of them, a Mr. Fakroodeen, denounced the leaders for the state of disunity in the respective bodies. He also criticised the leaders for the status of the Indian *vis-a-vis* humiliating discriminatory laws.<sup>10</sup> These views would be regarded as a show of no confidence in the past performance of the NIC and its accommodationist policy. The first Indian Youth Conference consisting of 120 delegates from more than 40 organisations was convened, opened its session on 11 February 1939 in Durban. Mr. Albert Christopher, who opened the conference emphasized the role and importance of youth in the fight for democracy. At the close of the conference 20 youth organisations were affiliated to the Indian Youth Council, representing over 1000 Indian youths.<sup>11</sup> This council was to widen its membership and to create a National Council of Indian Youth. The fact that the youth were now organised and had been inspired by Christopher could be viewed as the reasons for their sudden interest in Indian affairs. Swami Bhawani Dayal said on his departure to India that he would also attempt to influence the government of India to oppose the segregation scheme of Mr. Stuttaford.<sup>12</sup> Dayal's mission to India was successful in stirring up support in that country. The press in India gave prominence to his visit and called on the government of India to intervene. The *Bombay Chronicle* said that his

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10. *Indian Opinion*, 3 March 1939 .

11. *Indian Views*, 17 February 1939.

12. *Daily Tribune*, 27 February 1939.



visit," will help focus public attention on the plight of our countrymen in South Africa and to muster support in the latter's fight against the Asiatic Segregation Bill which is being placed before the Union Parliament."<sup>13</sup> The fact that the Indian community in South Africa persisted in calling for help from India was viewed negatively. The Minister of the Interior, Mr. Stuttaford said that "...the Indians in this country have to understand that their future lies in this country, they are our people, it is an obligation on us to treat them fairly, but it is no use their looking overseas for extraneous help, it would only lead to more trouble and more difficulty".<sup>14</sup> This attitude contradicts their plea to be treated as South Africans on the basis that 80 per cent or more were colonial-born and as such regard this country as their home and country of birth. It was claimed that the "Indians proclaim themselves as a foreign element by constantly appealing to India for support" and what was of greater significance was that "India has constantly been giving this support ...".<sup>15</sup> It was also held that if the South African Indian was not removed completely India's agitation would continue and eventually force open the doors to Indian immigration and equality which would consequently wipe out White civilization in Africa and be detrimental to the progress and survival of Blacks.<sup>16</sup> On occasion, the influence of the government of India enabled the South African Indian to achieve certain concessions, such as the one resulting from the Reciprocity Resolution of 1918 which was produced at the Imperial conference. This concession provided for the admission of British citizens being admitted to other British dominions for the purpose of visits, pleasure, commerce and education.<sup>17</sup> Postponement of repressive legislative ac-

13. Quoted in *Indian Views*, 14 April 1939.

14. *House of Assembly Debates*, 2 June 1939, col.5952.

15. L.J. du Plessis, *Problems of Nationality and Race in Southern Africa*, (London, 1949), Chapter 4.

16. *Ibid.*

17. Joshi, *Tyranny*, p.95.

tion was also achieved in this way eg. the Class Areas Bill and the Areas Reservation and Immigration Registration (Further Provision) Bill. Areas Reservation dealt with the creation of segregated areas for Indians, Immigration placed the Indians born in South Africa at the mercy of the Minister of the Interior and Registration aimed at reducing the population of Indians in the Transvaal.<sup>18</sup> This interference had made South African statesmen suspicious of possible direct intervention by India in the affairs of South Africa and thus persuaded the Union government to ensure that the local Indian population would not be "the advance guard of an uncontrollable invasion from India". Because of this the control of immigration formed the keystone of the South African policy towards Indians.<sup>19</sup>

The South African Indian community were especially honoured with the arrival of Professor Sir S. Radhakrishnan at Durban on 16 March 1939. He was a distinguished Indian philosopher, previously Professor of Oriental Philosophy at Oxford University,<sup>20</sup> who was on a cultural mission to South Africa.<sup>21</sup> He was accorded a public reception by the NIC<sup>22</sup> His visit was considered timely and significant as it coincided with calls made by the Agent-General Rama Rau for the two rival bodies to unite. He appealed to the Indian community to unite.<sup>23</sup> The Agent-General broadcast a message over SABC urging the leaders to unite to form "one solid political body representative of all Indians".<sup>24</sup>

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18. *Ibid.*, p.111.

19. Hibbert-Ware, "Indians in South Africa", pp.36-37.

20. Palmer, *History of Indians*, p.114.

21. Calpin, *Indians in South Africa*, p.131.

22. *Indian Opinion*, 24 March 1939.

23. Calpin, *Indians in South Africa*, p.131.

24. *Daily News*, 24 May 1938.

## WEAKENING OF THE ASSOCIATION

The Association experienced its first serious setback since its inception at a meeting in Durban on 2 May 1937. The meeting was held to evaluate the position of Indians in South Africa and to protest against an "assurance" given by Mr.A.I.Kajee to the government in connection with the employment of White females by Indians.<sup>25</sup> The issue of the employment of White girls by Indians arose out of evidence tendered by the South African Reddingsbond before the Select Committee under the Chairmanship of Mr.J.H.Hofmeyr<sup>26</sup>, which was established to consider the Provincial Legislative Powers Extension Bill. The Reddingsbond protested against Indo-White marriages and the employment of White girls by Indians and demanded *inter alia* that legislation be introduced to prohibit employment of Whites by Indians.<sup>27</sup> A.I.Kajee, the spokesman of the SAIC, in giving evidence before the Select Committee, stated that Indians would prefer to dismiss White employees rather than be insulted by legislative enactments forcing Indians to do so. He added that such legislation would be insulting and a stigma on the Indian people. This declaration constituted the "assurance".<sup>28</sup> Kajee's "assurance" was vehemently opposed by the Indian community, especially youths and workers who "felt their rights of their generation would be bartered away and their future blocked and bolted".<sup>29</sup> Notwithstanding the "assurance" the Select Committee drafted a Bill entitled "The Employment of White Women's Bill" for submission to parliament. The Bill met -----

25. *Indian Views*, 7 May 1937.

26. SC11-1937, *First Report ... Provincial Legislative Powers Extension Bill and of the Transvaal Asiatic Land Bill*, , pp.61-64.

27. Joshi, *Tyranny*, p.216; *Indian Views*, 28 May 1937.

28. *Ibid.*, G.H.Calpin (ed.), *A.I.Kajee: His Work for the South African Indian Community*, (Durban, n.d.), p.83.

29. Joshi, *Tyranny*, p.219.

with severe criticism from the public and press. The National Council of Women, a White women's movement, objected to the Bill on the grounds that women should have the freedom of choice.<sup>30</sup> The Bill was dropped at the suggestion of the Prime Minister and decided upon at an important caucus meeting of the United National Party. The Press announcement was made by the Prime Minister on 14 April 1937. It however accepted the "assurance" of the SAIC given in the following terms: "That in order to avoid the application of legislative compulsion with the stigma which this would imply, it is willing to secure by voluntary action the cessation of all employment of the kind to which exception has especially been taken."<sup>31</sup>

Before a mass gathering of Indians, the president of the Association Mr. Christopher said, in reviewing the position of Indians in South Africa, that the Association represented the majority of Indians and should therefore present a united front. He blamed the Agency for causing the division in the community by siding with one organization against the other. With reference to the "assurance" he said that it was beyond understanding how this undertaking could have been given denying the Indian the choice of their employees. A resolution in protest of this action was moved by Mr. P.R.Pather. Mr.C.M.Anglia moved an amendment in favour of the "assurance" stating that it was given in the interest of the community.<sup>32</sup> Anglia continued further, accusing the Association of causing all the dissension in the community and stating that neither the Congress nor the Agency were to blame. In condemnation of past statements of the Association's members which were very similar to the -----

30. *Indian Opinion*, 9 April 1937; *Natal Mercury*, 7 April 1937.

31. Joshi, *Tyranny*, p.220; *Indian Views*, 4 June 1937; *Indian Opinion*, 16 April 1937.

32. Mr C.M.Anglia was a staunch Congress supporter and a vociferous opponent of the repatriation and immigration movements. Anglia also played a prominent role in frustrating unity. His attendance at the Association meeting harmonised with his need to undermine the activities of the Association and frustrate the process of unity. This meeting was a mass gathering of Indians consequently allowing non-Association members freedom to attend.

"assurance", Anglia said that there was a need for a united front and that could only be achieved by one strong organization and not several "mushroom bodies". He concluded with an appeal to those so-called leaders to "join Congress again and lead the people". The meeting ended in chaos without either the resolution or the amendment being put to the vote. Over 600 people assembled outside the hall after the meeting, where they were once again addressed by Anglia. Resolutions were passed approving of the "assurance" and expressing a vote of no confidence in the Association and full confidence in the SAIC and the Agency.<sup>33</sup> This was a clear indication of the NIC's re-emergence into the political arena. For the first time since 1933, its members effectively counteracted the accusations of the Association.

With the NIC emerging rapidly during this period the Association was on the decline. The resignations en masse of the President, three vice-Presidents and 48 members of its Pietermaritzburg branch had the most significant impact on the strength of the Association.<sup>34</sup> It is important to note that the Association's Clairwood and the Pietermaritzburg branches were considered the most active. In addition it was always claimed that the Association enjoyed mass support in Durban and Pietermaritzburg.<sup>35</sup> Mr.V.K.Pillay, president of the Pietermaritzburg branch of the Association, one of those who resigned, explained that he could "no longer subscribe to the policy adopted by the headquarters of the Association ...". He added that "he strove to bring about an honourable reconciliation between the Association and Congress and that all his efforts in this direction had been thwarted...". The most important reason given for his resignation was that, "the name Colonial Born and Settlers Indian Association has served its purpose and has now become obsolete".<sup>36</sup> When Pillay referred to his efforts being thwarted he referred specifically to a

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33. *Indian Views*, 7 May 1937. See above Chapter 4, pp.110-119, for specific activities of the Agency in this regard.

34. *Indian Views*, 19 August 1938.

35. Pahad, 'Indian Political Movements', p.138.

36. *Indian Views*, 19 August 1938.

joint statement issued and signed by the president of the NIC's Pietermaritzburg branch and himself. The statement read "... reconciliation between the two bodies has been agreed upon ..." When this statement was published in the *Daily News*, it was refuted by officials of the Pietermaritzburg branch of the Association, who denied having any knowledge of the reconciliation. They claimed that their president acted arbitrarily and in his personal capacity.<sup>37</sup>

#### RE-EMERGENCE OF THE NIC

The NIC was slowly but surely re-emerging into the political life of the Indian community. The NIC attempted to call a meeting five times during the period 9 June 1935 to 20 October 1935 but on all these occasions was forced to postpone the meeting and on the last occasion decided to do so indefinitely. The reason advanced for this continued postponement was that there was poor attendance.<sup>38</sup> Another meeting was advertised for 2 August 1936 but the acting secretary, Mr. Abdoola Moosa sent an urgent message to *Indian Opinion* announcing that the meeting was to be postponed to a date to be advertised.<sup>39</sup> The NIC finally succeeded in calling an annual general meeting for 24 April 1938. The meeting turned out to be a great success attracting approximately 1000 people. Swami Bhawani Dayal's election as president of NIC was significant in that he was also instrumental in reviving unity within the NIC and he was also seen as a stabilising force with the requisite leadership qualities. A significant development for the NIC was that a number of prominent members, who had resigned earlier on 20 February 1936 in protest at Agent-General Raza Ali's marriage to a Hindu lady, withdrew their resignations.<sup>40</sup>

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37. *Indian Opinion*, 27 May 1938; *Daily News*, 21 May 1938.

38. *Indian Opinion*, 1 November 1935.

39. *Indian Opinion*, 31 July 1936.

40. *Indian Views*, 13 May 1938.



The relationship between the Hindu and Muslim members of the Indian community did play a significant role in the composition of the different organisations. At its inception the NIC was constituted predominantly of Muslims, who were generally descendants of the more wealthy "passenger" immigrant. This was so because the high subscription of three pounds per annum precluded the membership of the "poorer" Indian, who was generally descendant of the indentured labourer and who joined the Association. By contrast the Association was fairly representative of both religious groups and with time, the descendants of the indentured labourers, who, on becoming "free" men applied themselves to hawking and other businesses and built up considerable wealth. Other descendants of the indentured labourers were educated as teachers, lawyers and entered other "white collar" jobs. These people were then financially capable of joining the ranks of the NIC, TIC and the Cape Indian Congress.

The establishment of the SAIC and subsequently the Association therefore attracted both of Hindus and Muslims. The SAIC was recognised by the governments of India and South Africa as the body representative of the Indian community. The marriage of Sir Syed Raza Ali, a Muslim, to Miss Sammy, a Hindu, which might have been acclaimed as a union between the Hindu and Muslim communities and hailed as an alliance between these communities was received with hostility. The Hindus were particularly upset, firstly because Sir Ali had chosen a Hindu bride and secondly because she was to be converted to Islam<sup>41</sup> Two days prior to his wedding, on 16 January 1936, Sir Ali allowed 3 members of the SAIC executive viz. Messrs V.S.C.Pather, Sorabjee Rustomjee and S.R.Naidoo, to interview him on his proposed marriage. These representatives emphasised that, "their object in interviewing the Agent did not emanate from feelings of religion or faith but solely on the ground to preserve Indian solidarity, therefore avoiding giving rise, which they anticipated would arise [sic] from the Agent's action, to communal differences which so far have been practically absent in South Africa."<sup>42</sup> Two days later ie. on 18 January, Sir Raza Ali

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41. For a Hindu person to convert to Islam implied that the Hindu religion was afforded an inferior status and was therefore considered an insult to the Hindu community. Ali, however, denied the allegation that his wife was to convert.

42. *Indian Opinion*, 24 January 1936.

married Miss Sammy and consequently on 19 January, the President, two secretaries, one of the two treasurers as well as four members of the Executive Committee of the SAIC resigned their membership. Two days later further resignations were announced by 8 members of the executive committee of the NIC and 14 ordinary members of the NIC.<sup>43</sup> By contrast, there were no such resignations within the Association. The Association's feelings on the matter of the Raza Ali marriage could be discerned from an *Indian Opinion* editorial under the caption "The Agents Discretion". In essence the editorial commented as follows: "Personally we think that the matter has been given undue importance ...We think therefore that this incident should be completely forgotten and that attention of our leaders concentrated on much more important problems that are ... threatening our very existence in this country."<sup>44</sup> An *Indian Views* editorial shared the feelings of the *Indian Opinion* on this matter pointing out that "marriages between Indians professing different faiths are frequent in this country ..." The editorial also drew attention to a precedent in the ranks of the NIC that "neither meetings of protests were called nor heavens rent asunder by Congress leaders when the most prominent Congress leader at that time, Mr. Albert Christopher, married his Muslim wife. Where then, under the circumstances, is the logic of the storm raised by them on the present occasion?"<sup>45</sup> This fact may indicate why the Association showed a greater spirit of tolerance. Pahad suggests that Ali's attempts to unite the Association and the NIC had produced tensions between him and Congress and that the resignations had a political basis.<sup>46</sup>

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43. CAD, GG 6, file 85, Newspaper clippings.

44. *Indian Opinion*, 24 January 1936.

45. *Indian Views*, 24 January 1936.

46. Pahad, 'Indian Political Movements', pp.143-144.



The issue was however considered of serious consequence to the position and functioning of the SAIC. This prompted the Governor-General of the Union of South Africa to telegram the Viceroy in New Delhi, India, on 1 April 1936 outlining the position and background and requesting advice on the likelihood of a Hindu-Muslim controversy.<sup>47</sup> In a memorandum dated 13 March 1936 to the Governor-General, the Agent-General remarked that, "the Natal Indian Congress devitalised by the Hindu resignations and the South African Indian Congress proceedings mainly under Mohammedan impetus means in effect a Hindu-Muslim split and cannot be regarded from any point of view as good for the Indian community as a whole."<sup>48</sup> The most significant effect of the issue of Sir Raza Ali's marriage was that in its aftermath it left both the SAIC and the NIC impotent and in a state of confusion but held better prospects for the Association, which emerged as an important element in the political framework during this period. This situation developed in view of the weakened state of both Congress movements as an immediate consequence of the mass resignations in the executive committees of both the SAIC and NIC.

The NIC wanted to re-vitalise its image and wasted no time in doing so. In a bid to regain the support of the masses, Mr. A.I.Kajee, secretary of the NIC, at a welcome reception held in honour of the newly appointed Agent General Mr. Benegal Rama Rau, said, "that the Congress was no longer a body interesting itself purely in licensing and abstract political theory but it was determined to press for some raising of the standard of living".<sup>49</sup> In an all out drive to expand its activities and gain lost ground a meeting was held under the auspices of the Isipingo Indian Society on 22 May 1938, at which Swami Bhawani Dayal and A.I.Kajee were present. Both these leaders strongly urged the officials of the NIC to stand united in order to work for the welfare of the Indian people.<sup>50</sup> It was unanimously decided that a branch of the NIC should be

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47. CAD, GG 6, file 85, Telegram GG (Pretoria)-Viceroy (New Delhi), 1 April 1936.

48. CAD, GG 6, file 85, Memorandum Agent-General - GG (Pretoria), 13 March 1936.

49. *Indian Views*, 27 May 1938.

formed at Isipingo. Similarly, meetings were held at Sea View, Verulam and Clairwood. At all these meetings it was unanimously decided to establish branches of the NIC in these areas. Emphasis was placed on service for the poor and the need for a united body.<sup>51</sup> The change of strategy and tactics of the NIC seemed to work well and it also appealed to the majority who wanted an end to all the clashes and petty bickering of the past five years. The need for unity appeared to be uppermost in the minds of the community, a factor which the NIC did not ignore. In this way the NIC consolidated its position in Natal to such an extent that it could hold its annual Provincial Conference on 10 December 1938.<sup>52</sup>

The conference was considered to be the "most successful Indian gathering since the days of Gandhi".<sup>53</sup> The organization and the display of unity amongst the Natal Indians who attended were the two most striking features of the conference. The high level of debate and the moderate exchange of views pervading the conference were indicative of a united gathering.<sup>54</sup> There was no specific mention of whether members of the Association attended. Being a conference it would be assumed that members of Congress and special guests would have been invited. Mr. Duncan Burnside, Member of Parliament, officially opened the conference. The Chief Magistrate of Durban and representatives of the Post Office and the Department of Labour were present.<sup>55</sup> *Indian Opinion* reported on the speeches and the resolutions but nothing on the success of the conference.<sup>56</sup> The Agent General, Mr. Benegal Rama Rau, in his address to the

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50. *Natal Mercury*, 23 May 1938.

51. *Indian Opinion*, 17 June 1938.

52. *Indian Views*, 16 December 1938.

53. *Indian Views*, 16 December 1938.

54. *Ibid.*,

55. *Indian Views*, 16 December 1938.

conference, said that he was impressed with the Congress's efforts with respect to its extensive programme of establishing branches throughout Natal.<sup>57</sup> Swami Bhawani Dayal, president of the NIC, in his address, dwelt extensively on organization. He stated that the experience during the past eight months during which time thousands of members joined Congress, was "an achievement unparalleled in the history of the Congress and the community." He attributed this effect to the changed strategy adopted by the NIC. In emphasizing this new strategy he added that the Congress was no longer an organization of "some arm-chair politicians possessing some big names and loud speeches ... now the Congress requires service and sacrifice from its leaders in the cause of the community."<sup>58</sup> The whole emphasis of the president's speech was to highlight the changed circumstances of Congress with specific reference to its changed strategy, tactics and ideology. In doing so, the NIC admitted to having adopted a policy whereby it had represented the rich merchants and ignored the poor labourer. This policy had caused its decline and the emergence of the Association in 1933. Realizing its failings it now adopted a very significant aspect of the Association's strategy and tactics, that of reaching out to the workers and the farmers who represented the major element of the Indian community.

#### ENDEAVOURS TOWARDS AMALGAMATION

A very significant move to create unity between the NIC and the Association was initiated on 30 April 1939 when special general committee meetings of these organizations were held. Both meetings were well attended and after deliberating for several hours the following formula was passed by the meetings with one dissenting vote on each side :

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56. *Indian Opinion*, 16 December 1938.

57. CAD, HEN, vol. 1817, file no. 403/45, NIC Conference, 1938 'Agenda Book'.

58. *Ibid.*

"(1) Since the year 1933 there has been a serious division of opinion in the Indian community with the result that there exist in Natal two political organizations - the Natal Indian Congress and the Colonial-Born and Settlers' Indian Association.

(2) Both Sir Syed Raza Ali and the present Agent-General for India Mr. Rama Rau have since their arrival in South Africa made attempts at securing unity and recently Sir Saravapalli Radhakrishnan, who toured the Union on a cultural mission, appealed to the Indian community to unite.

(3) The Indian community as a whole recognises that in unity alone lies their salvation in this country, and in view of the unsettled and changing conditions under which Indians live, it is most essential that all differences should be settled and a lasting unity achieved in order that one political body should speak and act for the community as a whole."

(4) With this object in view it has been resolved by the committee of the Natal Indian Congress (Durban Headquarters) and the Colonial-Born and Settlers' Indian Association (Durban Headquarters) that both these political organizations should amalgamate as the best and only means of uniting the Indian community and that the choice of name for the amalgamated body should be left to Mahatma Gandhi. Each of the bodies may submit any name or names with its reasons therefor from which Mahatma Gandhi may choose a name or decide upon any name independently of those submitted and his matured decision shall be taken as final settlement."<sup>59</sup>

The above formula would need the confirmation of a special general meeting of both organizations.

Mr. Benegal Rama Rau, the Agent General, played no small part in ensuring the success of this move. He despatched telegrams to the presidents of both organizations prior to the meetings appealing to them personally and through them to other members to ensure their co-operation in this matter.<sup>60</sup> Since

59. *Indian Opinion*, 5 May 1939 ; *The Natal Indian Association: A True Story of the Unity Move - An Explanation and Exposure*, (NIA, n.d.) p.4.

60. *Ibid.*

the split in 1933 this was the first decisive and determined move by both organizations jointly to attain unity. However Swami Bhawani Dayal, President of the NIC, disagreed with the *bona fides* of those who had initiated the abovementioned unity move.<sup>61</sup> He said that, "they"<sup>62</sup> were moved by no lofty aspirations of real unity, but were animated by a desire to settle old scores and antagonism against Kajee [secretary of NIC] and his colleagues at the cost of their past pride, pledges and pronouncements and even at the sacrifice of Congress itself."<sup>63</sup> Because of the vital importance of the issue one would have expected both organizations to hold their respective meetings immediately to confirm the "formula" but unfortunately this was not to be.

Mr.M.E.Paruk, member of Congress, who was present at the special general committee meeting held on 30 April 1939, expressed disappointment in a letter addressed to the editor of *Natal Mercury*.<sup>64</sup> , He stated that the meeting of the NIC to confirm the "formula" was called on 7 May 1939 and adjourned successively to 14, 21, 28 May and 4 June. In this letter he posed the following question: "Is the achieving of unity of such minor importance that the secretaries of Congress are lethargic about calling the much needed meeting?"<sup>65</sup> Mr.A.I.Kajee in an interview informed *Indian Opinion* that the special general meeting to consider the "formula" was set for 11 June and that notices were forwarded to members. An advertisement of this notice appeared in the *Indian Views*.<sup>66</sup> Despite the assurance of Kajee that the meeting would be held no such meeting took place. *Indian Opinion* learnt informally that the meeting was called for 30 July 1939.<sup>67</sup> From later developments it was ascer-

61. See below p.151.

62. See below p.147, for names of persons who initiated the unity moves.

63. Bhawani Dayal, *Abdulla Ismail Kajee*, (Ajmer, 1941), p.30.

64. This letter was not published in the *Natal Mercury*.

65. *Indian Opinion*, 2 June 1939.

66. *Ibid.*; *Indian Views*, 2 June 1939.

tained that A.I.Kajee opposed unity and thus postponed the meeting. The Association was also guilty of not holding its own meeting to consider the "formula" but surprisingly was not criticized by the Indian newspapers. However, not only did *Indian Opinion* criticize Kajee's delaying tactics but condemnation came from the Northern Natal Conference of the NIC branches held at Newcastle on 23 July 1939. The NIC was divided over the unity issue. Those who were dissatisfied with Kajee's attitude openly criticised their national secretary. A resolution was passed unanimously deploring the attitude of the Durban headquarters in connection with the unity movement and requesting that this item be placed on the agenda for the meeting scheduled for 30 July. This meeting did not take place. As before, it seemed that A.I.Kajee had been responsible for postponing the meeting in his capacity as general secretary.<sup>68</sup> In view of the continual postponements and evasive attitudes of some of the officials of Congress a joint meeting was called for 22 August 1939 to consider seriously the "formula" and to finalize this matter. Messrs Sorabjee Rustomjee, J.W.Godfrey, P.S.Aiyar, S.R.Naidoo and A.E.Shaikh represented the NIC and Messrs A.Christopher, P.R.Pather, S.L.Singh, P.B.Singh and D.S.Chetty represented the Association.<sup>69</sup> The meeting took place at the home of Mr. A.E.Shaikh on 22 August 1939 at which the following was unanimously decided:

"That clauses 1, 2, & 3 of the unity formula of 30 April would be retained and the following clause shall replace clause 4 of the formula:<sup>70</sup>

It has been resolved by the committee of the Natal Indian Congress (Durban Headquarters) and the Colonial Born Settlers' Indian Association (Durban Headquarters) to amalgamate both organizations under the name of

67. *Indian Opinion*, 21 July 1939 .

68. *Indian Opinion*, 4 August 1939.

69. The importance of mentioning the names of the representatives emerges as unity becomes a reality.

70. See above p.144, for details of these clauses.



Natal Indian Association, and the membership of both the above organizations as at the first day of September 1939, shall constitute the membership of the new organization.

The draft constitution as approved by Messrs S Rustomjee, P.S.Aiyar, J.W.Godfrey, S.R.Naidoo, and A.E.Shaikh, duly appointed representatives of the NIC, and Messrs A.Christopher P.R.Pather, S.L.Singh, P.B.Singh and D.S.Chetty, duly appointed representatives of the Association, at a meeting held at Durban on 22 August 1939, shall be the constitution of the Natal Indian Association, for submission to the amalgamation meeting.

The following clauses shall be added to the formula and shall be known as clauses 5 and 6.

(5) That it is agreed that a general meeting of the members of the amalgamated organisation shall be held on the 24th day of September, 1939, for the purpose of adopting the draft constitution and electing officials thereunder, and the convenors of such meeting shall be the President, the Honorary Secretaries and the Honorary Treasurers of the Natal Indian Congress and the Colonial-Born and Settlers' Indian Association.

(6) That Messrs A.Christopher and V.S.C.Pather are to be authorised to accept enrolment for membership of the amalgamated organisation and receive fees in terms of the draft constitution."<sup>71</sup>

The decision to alter clause 4 of the original unity formula was done with the intention of saving Mahatma Gandhi the inconvenience of having to arbitrate in the internal dissensions of the South African Indians.<sup>72</sup> Though this may have been the intention, Swami Bhawani Dayal viewed this move as a " hideous conspiracy " to usurp Kajee's leadership in the community.<sup>73</sup> Dayal interpreted this decision to have been taken in order not to delay the process of negotiations, which could have provided Kajee with the necessary time to frustrate

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71. *Indian Opinion* 25 August 1939 ; *A True Story of the Unity Move*, p.7.

72. *Indian Opinion*, 25 August 1939.

73. Dayal, *Kajee*, p.37.

the unity negotiations.<sup>74</sup> Dayal was obviously biased in favour of Kajee on account of his long and close friendship, which eventually culminated in his writing Kajee's biography.

In a notice advertising the NIC annual general meeting for 27 August the following was mentioned: "As this is an important occasion the question of unity is hinged on [sic] the new officials that will be elected at this meeting."<sup>75</sup> Opponents of unity attempted to get the meeting postponed using the absence of the ex-president Swami Dayal as the excuse. However a telegram from Swami Dayal appealing to all Indians to support Mr. Rustomjee in his efforts and urging that the meeting should not be postponed on account of his absence frustrated the opponents' attempts to postpone the meeting.<sup>76</sup> Swami Dayal denied any knowledge of this telegram condemning the movers of unity for not postponing the meeting despite his requests and the fact that they knew that he was on his return journey from India. He believed that they saw his presence as an obstacle in their "game of political jugglery".<sup>77</sup> Despite efforts to thwart the success of this meeting the NIC held a successful gathering with over 2000 members crowding the Durban City Hall on 27 August. The majority were in favour of unity but there was present an anti-unity group who tried their best to disrupt the meeting. The new unity formula was passed and the election of officials to serve until 24 September 1939 was undertaken. Mr. Rustomjee was elected president with A.E. Shaikh and Ashwin Choudree as secretaries. Treasurers, vice-presidents and 30 committee members were also elected. Clauses 5 & 6 of the new unity formula were also accepted.<sup>78</sup> The show of no confidence in Kajee was reflected in the election of officials when

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74. *Ibid*;

75. *Indian Opinion*, 25 August 1939.

76. *Indian Opinion*, 1 September 1939.

77. Dayal, *Kajee*, p. 32.

78. *Indian Opinion*, 1 September 1939. See above pp.147-148, for details of clauses 5 & 6.



Kajee lost his position as secretary and was elected merely as a committee member. Kajee lost the prestige, power and honour that he had enjoyed since 1936; it was an acknowledged fact that he had been in total control of Congress affairs in Natal and was the driving force behind the SAIC up to this time.<sup>79</sup> Swami Bhawani Dayal defended the position of Kajee saying that it was in the interests of unity and peace that Kajee had allowed those who aspired for office to be elected.<sup>80</sup> Dayal's bias in defence of his friend Kajee was once again in evidence. However, *Indian Views* in its editorial on the NIC meeting also expressed the view that A.I.Kajee and J.W.Godfrey "withdrew all opposition to the elections for the sake of peace and unity". It was also suggested that it would have been wiser if the meeting had been postponed until Dayal's return from India so that the meeting could have honoured him for his services in India by re-electing him for the interim period.<sup>81</sup> The new unity formula was also accepted by a special general meeting of the Association which was held on 10 September. The date for the amalgamation meeting which had been scheduled for 24 September 1939 was changed to 8 October 1939 due to unforeseen circumstances.<sup>82</sup>

Two final attempts were made by Mr.C.M.Anglia to thwart unity. Anglia submitted a requisition signed by 30 committee members of the NIC to call a general meeting for the purpose of, *inter alia*, re-electing Congress officials on the grounds of a technicality. At the meeting of 27 August in Durban the officials so elected were to hold office up to 24 September, the day set for the amalgamation of both organizations, but since this date had been changed to 8 October, Anglia contended that from 24 September those officials were no longer constitutionally regarded as officials and thus their vacant posts should be filled. To Anglia's disappointment four committee members withdrew their signatures thus declaring the requisition null and void in terms of the

79. Calpin (ed.), *Kajee*, p.82.

80. Dayal, *Kajee*, p.34.

81. *Indian Views*, 1 September 1939.

82. *Indian Opinion*, 15 September 1939.

Constitution. A second attempt was made by Anglia on the eve of the amalgamation meeting which did not succeed in affecting the meeting. Printed circulars were distributed by Anglia purporting to speak for 28 other members of the NIC. The circular urged Congress members to boycott the amalgamation meeting.<sup>83</sup>

#### Amalgamation Achieved

Notwithstanding these efforts to thwart unity the amalgamation meeting was held at the Curries Fountain Grounds, Durban, on 8 October 1939 and attended by approximately 2200 people.<sup>84</sup> Mr. Albert Christopher presided at this meeting. Messages of blessing from the Prime Minister, General J.C. Smuts; Mr. H.G. Lawrence, the Minister for the Interior and Mr. J.H. Hofmeyr, the Minister of Finance and Education were read out at the meeting. All these messages conveyed congratulations to the people responsible and expressed the hope that they would be successful.<sup>85</sup> The constitution with certain amendments was adopted unanimously and officials and committee members were elected. The following office bearers were appointed to serve the newly established Natal Indian Association (NIA): Patron: Hajee E.M. Paruk (NIC) ; President: Hajee A.M.M. Lokhat (NIC); Joint Honorary Secretaries: Messrs S. Rustumjee (NIC) and P.R. Pather (CB&SIA); Joint Honorary Treasurers: Messrs A.E. Shaikh (NIC) and P.B. Singh (CBSIA). In addition, 65 vice-Presidents and a committee of 75 members were elected.<sup>86</sup> Although the committee appears to be large there was a need for the united body to be as representative as possible in view of the difficulties experienced by both these bodies to attain unity.

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83. *Indian Views*, 13 October 1939 ; *A True Story of the Unity Move*, pp.12-13.

84. *Ibid*, p.13 ; *Indian Opinion*, 13 October 1939.

85. CAD, BNS 251/74, letter K 39.

86. *Indian Opinion*, 13 October 1939; CAD, VME, vol. 1083, File no. 538/72, *Constitution of the Natal Indian Association*.

The Agent-General, Mr. Benegal Rama Rau, praised the efforts of members of Congress and the Association in his speech and paid specific tribute to Mr. Christopher for his untiring services to the community. He deplored the fact that A. I. Kajeer and his followers had boycotted the meeting. In paying tribute to the efforts of Kajeer he said that it was unfortunate that Kajeer was not present especially in view of the fact that he had been so enthusiastic about unity. He appealed to this newly-formed Association to make every effort to induce Kajeer and his followers to join the Natal Indian Association (NIA). He added that it was not in the interest of the community to lose "such a fine worker".<sup>87</sup> *Indian Views* editorial commented that the meeting "was not altogether the success which most of us had hoped for" and that "the new organization had not started under the best of auspices". It criticized the appointment of so many office bearers which excluded "the active support of men whose names for many years have been synonymous with Indian leadership". It reported further that the meeting revealed two things: firstly that the attendance fell far short of expectations and secondly that a significant faction of the NIC were not present.<sup>88</sup> Neither disclosure was significant nor totally correct.

Although there was strong support for Christopher's nomination for presidency of the NIA he chose to stand down in favour of Hajee A. M. M. Lokhat, who held various important position on Boards of Trustees. Christopher acted in the interest of unity and the needs of the community and because he felt that Lokhat would be in a better position to influence those who boycotted the move, to rejoin.<sup>89</sup> In order to retain officials and committee members of both organizations it was decided that the following office bearers should be absorbed into the NIA so that their services would be retained and that the new Association could benefit from the valuable experience that they had. Therefore the following office bearers of the NIC were elected *in absentia* in the following positions: as vice-presidents Swami Bhawani Dayal; A. I. Kajeer; -----

87. *Indian Opinion*, 13 October 1939.

88. *Indian Views*, 13 October 1939.

89. *Indian Opinion*, 13 October 1939; *Indian Views*, 13 October 1939.

M.A.Motala; and M.Ebrahim, as committee members Messrs S.M.Paruk; V.Lawrence; B.A.Meghrajh; M.A.H.Moosa; Aboobaker Moosa; and B.Bachoo. These members declined the positions offered but did not resign from the amalgamated body.<sup>90</sup> On his return from India, Swami Bhawani Dayal was interviewed by senior officials of the NIA including S.Rustomjee, who gave him a first-hand account of the developments which had led to the amalgamation. Dayal responded by stating that he was not happy with the change of name but as regards amalgamation he said that he would stand aloof and devote his energies to social and educational welfare. Numerous other meetings were held with Dayal whereupon he assured them that he would remain neutral and that he would not encourage the formation of two parallel bodies.<sup>91</sup> Dayal stated that if the Indian political arena was controlled by men who were deliberately acting for their own selfish ends then he would devote his attention and services to worthier spheres.<sup>92</sup> Reconciliation attempts were made and continued for several weeks to get those who had declined office to reconsider their positions. To this end a Peace Committee was appointed by the Pietermaritzburg branch of the NIA headed by its president, Mr. S.R.Naidoo. He met twice with Dayal, Kajee, Lawrence, Paruk and Aboobaker Moosa in an attempt to convince them to accept their nominations but all efforts were in vain. However Dayal re-affirmed his neutrality and Kajee maintained that out of loyalty to Dayal he would stay out of the NIA. He confirmed his acceptance of the proceedings leading to the amalgamation as being in order.<sup>93</sup> Although total unity was not possible the amalgamation did in effect put an end to the situation where the Indian community were represented by two organizations. To function and act on behalf of the Indians the NIA required the approval of the government. In a letter to the Ministry of Commerce and Industries, the NIA informed the Secretary of its

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90. *A True Story of the Unity Move*, p.17.

91. *Ibid*, pp. 17-18.

92. Dayal, *Kajee*, p.37.

93. *A True Story of the Unity Move*, p.18.

amalgamation and requested for approval by his department. The letter also stated that the NIA represented all sections of the Natal Indian community for whom it would in future speak and work.<sup>94</sup>

It would have been more appropriate for this letter to have been directed to the Department for the Interior under whose jurisdiction Indian Affairs fell. Mr. P. F. Kincaid, Commissioner for Immigration and Asiatic Affairs informed the Secretary for the Interior that although the amalgamation step was received well he could not recommend the formal recognition of the NIA by the government. He said that if the NIA were recognized this would in effect exclude all other bodies in Natal. He added that as the NIA had been in existence for only a short while he felt that it would be premature to pass judgement so soon. He expressed concern that as there were a number of prominent Indians who were not included in the NIA, he foresaw that a further split in the near future was very possible. He therefore suggested that instead of according full recognition the NIA should be advised that all reasonable representations submitted by them would receive careful consideration by the Department.<sup>95</sup> Therefore the NIA did not receive official recognition as being the sole representative of the Indian community in South Africa. Mr. Kincaid was prophetic in that he foresaw a further split and this occurred on 11 February 1940. The NIA's short-lived existence terminated on 29 August 1943 when it merged into a re-constituted Natal Indian Congress.

Kincaid's concern that a number of prominent Indians were not included in the NIA was valid and were justified by the NIA's handling of a crucial decision to participate in the Lawrence Committee. The NIA's decision was preceded by an "assurance" in terms of which the NIA undertook to use its influence to prevent Indians from purchasing any property in a predominantly White residential area. A. I. Kajee, who incidentally was one of the prominent Indians who

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94. CAD, HEN, VOL. 1817, ref. 403/47, Secretary NIA - Secretary, Minister of Commerce and Industry, 19 October 1939.

95. CAD, BNS 251/74, letter T.22, Kincaid - Secretary for the Interior, 25 October 1939.

was not included in the NIA, described the NIA's undertaking as "clumsy" and questioned the right of the NIA to speak on behalf of the entire community while the NIC was still in existence.<sup>94</sup> An *Indian Opinion* editorial criticised the undertaking of the NIA as "The assurance is as impracticable as it is humiliating."<sup>97</sup> Notwithstanding opposition from various quarters the NIA held a mass meeting on 11 February 1940 for the purpose of confirming the "assurance" given to the Minister for the Interior with regard to the alleged penetration of White residential areas. The resolution moved by Mr. S. Rustomjee was passed by a majority of votes. The resolution was however strongly opposed by a group who distributed a statement at the meeting listing their reasons for their opposition. Noteworthy were the signatories to the document and of interest the role these signatories played in the shaping of the future politics of Indians particularly in Natal. The signatories were Dr. G.M. Naicker, Messrs P.N. Harry, M.I. Timol, C.I. Amra, G. Ponen, D.A. Seedat and H.A. Naidoo.<sup>98</sup> Pahad refers to this group as "militant".<sup>99</sup> These leaders were subsequently expelled from the NIA executive in 1940 which resulted in the entire "Confrontationist Bloc" within the NIA withdrawing its support. This "Bloc" then spent the next three years attacking the NIA and NIC officials and established support for their own views within Indian trade unions, "the first attempt to have been made to organize the growing Indian working class."<sup>100</sup> Mesthrie also points to the influential role played by these leaders in organising Indian labour and emphasises the fact that they came from not only middle class backgrounds but were also from the working class.<sup>101</sup> Incidentally, H.A. Naidoo was the secretary of the Non-European United Front;

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96. *Indian Opinion*, 2 February 1940.

97. *Ibid.*

98. *Indian Opinion*, 16 February 1940.

99. Pahad, 'Indian Political Movements', p.161.

100. W.B. White, 'The Evolution of Policy Towards Indians in Natal, 1943-1948' (M.A., University of Natal, Durban, 1981), p.16.

G.M.Naicker, G.Ponen and D.A.Seedat were elected onto the committee of the newly constituted NIC in August 1943; D.A.Seedat and G.Ponen were in the forefront of the struggle associated with the Pegging Act during 1943 and 1944 and on 21 October Dr. G.M. Naicker was elected the president of the NIC with Ponon and Harry as committee members.<sup>102</sup> The NIC emerged with a changed political complexion with the so-called "radicals" at the helm. *Indian Opinion* accused the NIA leadership of having been responsible for the creation of the militant wing which eventually changed the face of Indian politics in Natal from a "moderate" to a "radical" struggle.<sup>103</sup> With a process which began in 1932 with the SAIC's participation in the Indian Colonization Committee<sup>104</sup> followed by the "Kajee assurance" in 1936, the "NIA,s assurance" and subsequent participation in the Lawrence Committee in 1940 and the NIC being party to the abortive Pretoria agreement<sup>105</sup> in 1944, was a reflection that the moderates were prepared to acquiesce some form of voluntary segregation or voluntary discrimination with the understanding that their vested commercial interests were not adversely affected. It was apparent that the underclasses

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 101. U.S.Mesthrie, 'Indian Responses in Natal to Non-European Unity Moves, 1927 to 1945', *Journal of Natal and Zulu History*, Vol.xii, 1989, pp.76-77.

102. Pahad, 'Indian Political Movements', pp.164, 181, & 184.

103. *Indian Opinion*, 16 February 1940.

104. S.Bhana and U.S.Mesthrie, 'Passive Resistance Among Indian South Africans: a Historiographical Survey', *South African Historical Journal*, No.16, November 1984, p.127.

105. The Pretoria agreement and its effects have been examined in detail in the works of White, 'Evolution of Policy', pp.34 ff. and D.Bagwandeem, 'The Question of Indian Penetration in the Durban Area and Indian Politics, 1940-1948' (Ph.D., University of Natal, Durban, 1983), pp.199 ff. Both have studied the Indian Penetration issue in Natal in the 1940's.



would be affected and the moderates were prepared to sacrifice this group.<sup>106</sup>  
In describing the state of Indian politics during the period 1940-1946, Bagwandeem concludes that "They exhibited fatal symptoms of internal dissensions in social, political and economic matters of vital concern to the total Indian community."<sup>107</sup>

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106. F.N.Ginwala, 'Class, Consciousness and Control: Indian South Africans 1860-1946' (Ph.D., Oxford, 1974) p.418.

107. Bagwandeem, 'Indian Penetration', p.51.



## CONCLUSION

Throughout the period 1933-1939, members of the newly emerged Indian petty bourgeoisie dominated the formal political life of the new elite and under-classes in Natal. They enjoyed a virtual monopoly of leadership and intermediate roles in all the channels of formal Indian political expression from local community groups to provincial-wide organisations. This virtual monopoly stemmed from the advantages that they enjoyed as a class in terms of economic position, education, communication skills and cultural adaptation over the vast majority of the Indian working class and other Indian underclasses. It was inevitable that the strategies and tactics that were developed and deployed in the political struggles for its constituents during these crucial years were influenced by the Indian petty bourgeoisie. Similarly, in the pre-1933 period, the commercial elite monopolised the leadership role within major Indian political organisations. They failed to fulfil this role and found themselves thrust aside by a more radical generation who conceptualised and identified with the aspirations of the majority of South African Indians.

The world-wide economic depression after 1929 was the culmination of a period of stagnation and retrenchment in the South African economy. Coupled with the effects of the economic depression was the implementation of the "white labour policy" which had exerted pressure on the under-classes. This situation emphasised the economic instability of large sections of the emergent Indian petty bourgeoisie and tended to divide between a tiny, relatively secure, upper stratum and a large, relatively insecure, lower stratum. During this period groups under the severest economic pressure included Indian artisans, whose skills were being devalued, clerks and teachers. Significant numbers of the Indian petty bourgeoisie found themselves pressed downwards towards the underclasses by salary cuts and unemployment. This process was identified by the Indian Colonisation Inquiry Committee as a factor which would force Indians into accepting colonisation as an option. During the depression years 1929 to 1932 the operation of the "white labour policy" resulted in a temporary reduction in the "non-white" employment and an increase in White employment. This policy aimed at substituting Whites for Black, Indian and Coloured labourers to which the Association and Congress vigorously protested against. Consequently, although the total number of workers in industry decreased from 142000 to 133000 (by 6 percent) between this period the number

of White workers increased from 55000 to 57000 (by 12 percent).<sup>1</sup>, The period of depression was relatively brief in South Africa and was followed by a period of rapid sustained industrial expansion after 1934. It is important to recognise that the Association was founded during this period of depression and its leadership had to identify with the masses who were the victims of the "white labour policy" as a result of which the effects of the depression impacted very severely on the working class. This affected group were in dire need of an organisation to articulate their grievances and aspirations, and it is highly significant that the NIC failed to embrace these underclasses. A definite parallel could be drawn between the establishment of the NIC in 1894 and the establishment of the Association in 1933.

This thesis deals specifically with the development of the Colonial-Born and Settlers' Indian Association against the background of the Union government's treatment of the "non-White" sector of its population and the class struggle of the "non-White" and White workers. The thesis critically examines the tactics, strategies and objectives of the Association in relation to major and secondary contradictions of the South African society. More specifically, the study links the development of the Association to the development of Natal Indian politics. To this end the strategic status of the Agency of the government of India and how the leadership of the Congress movement, in particular, were dependent on the goodwill of the Agent-Generals in pursuing their accommodationist and appeasement policy is examined. The profound effects and the impact and implications of the Congress's undertaking to participate in the Colonisation Inquiry Committee have not previously been critically examined. This study consequently has attempted to correct the imbalance and provides a more complete picture of the evolution of Natal Indian politics.

The need for the colonial-born Indians to have their own organisation was recognised as early as 1894 at the time when Mahatma Gandhi was helping to establish the NIC. At this time the Colonial-Born Indian Educational Association was founded by the NIC to see to the needs of the colonial-born educated Indians.<sup>2</sup> Natal Indian politics in particular was determined by the socio-

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1. Arkin, 'Contribution of Indians', pp.183-184; see also D.W.M. Edley, Population, Poverty and Politics: A Study of Some Aspects of the Depression in Greater Durban, 1929-1933' (M.A., University of Natal, Durban, 1983) pp.135-137.

economic stratification of the Indian community and consequently the Natal Indian political community represented those who enjoyed higher status. A similar scenario existed in the Transvaal. In essence, the early history of South African Indian political movements concerns the politics of the commercial elite and the challenges to their claim to represent the Indian community by the new elite, who represented non-commercial interests, namely, those of the white-collar workers, small trader and farmers - for most part colonials - offspring of indentured or ex-indentured labourers.

The failure of the repatriation schemes and the assisted emigration scheme of the government of South Africa must be attributed to the negative propaganda of the South African Indian Federation. the work of J.L.Roberts, C.M.Anglia and P.S.Aiyar, who played a significant role in discrediting the scheme<sup>3</sup>, and the report published by Bhawani Dayal Sannyasi, vice-president of the NIC, on the assisted emigration scheme. Early in 1934, the Association, acting in accordance with its declared policy of opposing any scheme aimed at reducing the Indian population in the Union of South Africa, investigated the conditions of the repatriated Indians. Its findings revealed a pathetic tale of the repatriated people that would have adversely affected the success of any proposed emigration or colonisation scheme. These investigations and the report coincided with the findings of the Colonisation Inquiry Committee and were certainly well timed. An intrinsic factor which cannot be ignored was that the Indian in South Africa was becoming more and more conscious of his South African identity thus making repatriation difficult irrespective of incentives offered.<sup>4</sup>

A volcano of hostility erupted over the colonisation issue between supporters and non-supporters of the SAIC's policy which essentially led to the latter group forming the Colonial-Born and Settlers' Indian Association. It represented the first major split within the NIC, which was to widen and dominate a period of six crucial years in the history of the South African Indian. This

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2. Narayan, *Selected Works of Gandhi*, vol.1, p.224.

3. Pahad, 'Indian Political Movements', pp.94-96.

4. Hofmeyr, 'Problem of the South African Indian', pp.16-17.

period was marked by rivalry, conflict and disunity despite numerous reconciliation attempts. During the period 1933-1939 the NIC faced for the first time a formidable challenge to its authority and credibility in claiming to represent the aspirations of the Indian community in Natal.

The Association was formed primarily because matters of vital importance which affected colonial-born Indians had been neglected and also because the colonial-born Indians expressed the view that if the NIC was not prepared to accommodate their interests then they would have to undertake independent action to express their dissatisfaction. The precise reason for the establishment of the Association was reflected in the motion which had been adopted by an overwhelming majority at the first meeting of the Association on 23 July 1933. The motion read as follows: "That this meeting of colonial-born Indians protests against the Inquiry having for its object a scheme of colonisation for Union Indians in other countries and protests, furthermore, against the continuance of the assisted emigration scheme."<sup>5</sup> The Association's manifesto also reflected its total commitment to opposing the colonisation inquiry. The manifesto commences with a declaration that "Indians born in this country and those who have made this country their permanent home, have the indisputable right to remain in this country."<sup>6</sup> The extent and impact of the Association's unwillingness and resistance to the scheme was recognised by the Indian Colonisation Inquiry Committee. It was clear that the colonisation scheme would not materialise and thus the Association achieved its fundamental objective.<sup>7</sup>

In addition to its primary aim the Association pursued its secondary objectives as contained in the nine points of the manifesto. These objectives were pursued vigorously and the Association's achievements are evident.<sup>8</sup> Despite -----

5. *Natal Advertiser*, 24 July 1933; *Indian Opinion*, 28 July 1933; *Indian Views*, 4 August 1933.

6. See annexure B, MANIFESTO, CONSTITUTION AND RULES.

7. UG23, *Report of the Colonisation Inquiry Committee*, 1934, paragraph 68, p.14; see Chapter 2, pp.45-57, for the details of the Associations activities vis-a-vis its campaign against the Colonisation Inquiry Committee.

8. See Chapter 3 for details.



these achievements the Association failed to gain the formal recognition of the government of India which weakened their relationship with the successive Agent-Generals and the Union government given their stance *vis-a-vis* the colonisation issue. Their relationship with the main players viz. the governments of India and the Union, proved to be the biggest obstacle in the way of achieving greater successes with respect to their objectives. The composition of the executive committee and the provisional working committee represented a cross section of the community, which was drawn from all socio-economic levels, irrespective of class, caste and religious groups.

It is clear from the manifesto and the constitution that the leadership of the Association had, at least on paper, recognised the importance of not only mobilising the masses but also of organising them into branches. The leadership, however, failed to translate this recognition and subsequent rhetoric into action. These commitments, if exploited, could have generated a wider participation in political activities and decision making and consequently raise the political consciousness and maturity of the constituency. The Association therefore remained an organisation with mass support in Durban and Pietermaritzburg, but did not develop a mass movement with greater participation of the workers and farmers in the general activities and in the decision making processes. The Association's constitution made specific provision for female membership to the extent that in considering the socio-economic status of its constituency provision was made for women's auxiliaries to accommodate those women who could not afford membership fees but who wished to participate in the activities of the Association. In sharp contrast, the NIC's constitution denied women the right to become members of the organisation. However, at the first meeting of the executive of the re-born NIC in 1943 "...an urgent amendment was made to the archaic constitution, whereby women were given full membership on equal basis with men."<sup>9</sup> Once again the Association had, at least on paper, recognised the importance of not only mobilising women but also of providing alternate forms of participation through the women's auxiliaries.

The Association filled a much needed vacuum with Christopher, a product of the underclasses and a major figure in the formation of the early unions<sup>10</sup>, provid-

9. Goonam, *Coolie Doctor*, p.101.

10. Freund, 'IT IS MY WORK', p.11.

ing the leadership and *Indian Opinion* serving as the mouthpiece with Manilal Gandhi as its editor. Since Manilal Gandhi was one of the founders and a prominent leader of the Association up to January 1935, *Indian Opinion* gave prominence to the activities of the Association. Manilal Gandhi's attempt to change *Indian Opinion's* image by re-introducing Tamil and Hindi columns in addition to the regular Gujarati and English columns justifies the assertion that the Association sought to be as representative as possible in an attempt to capture a broader constituency than the NIC. It was therefore logical for the Association to relate to these classes who formed its constituency and for its manifesto and constitution to relate to the needs of its constituency to the virtual exclusion of the commercial elite class. To this end the Association's objectives were directed at addressing the needs of the small trader, the petty farmer and the low ranked worker to the exclusion of the commercial trader and commercial farmer. Although the Association had the potential to incorporate the underclasses, whom it set out to represent, in terms of political strategy it adopted Congress's traditional methods, holding meetings, passing resolutions, leading deputations and presenting petitions. Pahad, in examining the development of the Association, observes that the Association "...in essence ... was no different from Congress" and noted that no mass action was undertaken and that it worked in isolation from other Black organisations.<sup>11</sup>

From the manner in which the Agent-General, Kunwar Sir Maharaj Singh, conducted his relationship with the Association it was quite clear that he did not give the Association the same treatment accorded the Congress (SAIC & NIC).<sup>12</sup> The Association did not hesitate to express their feelings *vis-a-vis* the Agency. At the first Natal Provincial Conference of the Association the president, Advocate Christopher, questioned the need for the presence of the Agent of the government of India in South Africa. He also emphasized the Agent-General's pro-NIC attitude.<sup>13</sup> The concern of the Association in this matter can be evaluated in terms of the lengthy debate held and the resolution

11. Pahad, 'Indian Political Movements', pp.122,130.

12. See Chapter 3, pp.99-102 and Chapter 4, pp. 109-115.

13. 'Agenda Book'.

which appealed to the government of India to take steps to prevent the Agency from acting prejudicially towards sections of the community. Numerous examples of the Agents' partisanship have been documented.<sup>14</sup> Throughout the period, 1933-1939, the successive Agent-Generals acted as a moderating influence on Indian organisations. Although the Agent-Generals were instructed to give their support and backing to the moderate leadership of the Congress (NIC, TIC, SAIC) it was their task to attempt reconciliation of the warring factions.<sup>15</sup> Unlike his predecessor Sir Raza Ali enjoyed the confidence of the Association. He attempted to establish closer ties with the Association and to achieve this he requested his government's permission for the Association to work with him. The government of India's response to the request was negative but they allowed Ali to liaise with the leaders of the Association purely on a personal basis. Contrary to these instructions Ali persevered to the extent that he was successful in calling the warring factions to a conference of unity. Although the unity moves failed to materialise, Ali was hailed as having made a breakthrough in the direction of reconciliation between the Congress and the Association. Mesthrie's critical evaluation and assessment of the role of the government of India's Agency in South Africa makes their double-dealing partisan strategy transparent. Her access to the vast archival resources in India has to be acknowledged as vital to the total understanding of South African Indian historiography.

It was against an unsupportive background that the Association had to function and notwithstanding this scenario the Association gained a tremendous following, especially in Durban and Pietermaritzburg, which strengthened the Association in its efforts against the Congress (SAIC & NIC). Concurrently the NIC appeared to lose the support and confidence of the Indian community. The Association adopted the strategy of exploiting the weakened position of the NIC and thrived in most parts of Natal, enhancing its position by successfully establishing numerous branches. The impact of the Association's growing strength manifested itself in the decline of NIC support. After a period of decline from 1935 to 1938 the NIC finally succeeded in calling an annual general meeting for 24 April 1938, which was significantly well attended, with -----

14. See Chapter 4, pp.110-111.

15. See Chapter 4, pp.113-119.

at least 1000 people present. The re-emergence of the NIC has to be evaluated in terms of the status of the Association. The Association began to experience serious setbacks leading to mass resignations of members of the Association's Pietermaritzburg branch, previously one of the most active branches. This process of decline began on 2 May 1937 when the Association's attempt to condemn the actions of the Congress was rejected by the meeting which in turn expressed a vote of no confidence in the Association and full confidence in the SAIC and the Agency. For the first time since 1933, the Association's members effectively counteracted the accusations of the organisation. Most importantly, this meeting had been addressed by Christopher, who enjoyed the respect and admiration of his supporters. The mass resignation of the President, 3 vice-Presidents and 48 members of the Association's Pietermaritzburg branch had the most significant impact on the strength of the Association considering its claim that this branch was considered one of the two most active branches as well as the fact that Pietermaritzburg was one of the constituencies in which the Association enjoyed mass support.<sup>16</sup> Of significance was the President's reason for resigning, wherein he declared that the Association had served its purpose and had become obsolete.

In the aftermath of the controversial Raza Ali marriage saga which left the Congress movement in disarray, the NIC wanted to re-vitalise its image and exploited the weakened position of the Association. In an all-out drive to expand its activities and to gain lost ground, allied with a change in strategy and tactics, the NIC's consolidation of its position in Natal culminated in its annual Provincial Conference on 10 December 1938. The conference was considered to be the "...most successful Indian gathering since the days of Gandhi".<sup>17</sup> The NIC realised that its salvation and political survival depended on an appeal to the underclasses whom they had ignored in favour of the commercial elite. On the contrary, the Association must be credited for having recognised the importance of mobilising the masses. This was fully realised and embraced by the re-born NIC under the leadership of a new generation of profoundly committed South African radicals in the 1940's.

During the period 1933-1939 the Indian community as a whole recognised that  
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16. See Chapter 5, pp.137-139 for details.

17. *Indian Views*, 16 December 1938.



their salvation in South Africa lay in unity, and in view of the unsettled and changing conditions under which the Indians lived, it was essential that all differences be settled and a lasting unity achieved so that one political body could speak and act on behalf of the whole community. Calls for unity came from various quarters, more especially the Agent-Generals.<sup>18</sup> Although the need for unity was an acknowledged goal, petty bickering, communal strife and the personal interest of individuals seemed to dominate the existence of this small and divided community. Evidence of duplication of efforts persists throughout the period of rivalry between the NIC and the Association. These organisations were parallel bodies with similar objectives. The financial impact of their efforts in attempting to outdo each other was enormous. Such political intransigence weakened the effective opposition of both organisations.

The unequal status of Indians settled in the British colonies and dominions engendered vociferous anti-commonwealth sentiments in India and was hotly debated at the various Imperial Conferences during which the question of treatment of Indians in South Africa came into the spotlight.<sup>19</sup> Consequently "The establishment of the agency in South Africa served to demonstrate the British government of India's seriousness in discharging its responsibilities towards Indians overseas".<sup>20</sup> However, the Agency was accused of double-dealing and contributing to the state of disharmony amongst the Indian political organisations. It was seen to have "served imperial interests by pursuing only limited, moderate objectives which would not impair the friendly relations between two members of the commonwealth".<sup>21</sup> The circumstances prevalent during the period 1936-1939 made it imperative for the two rival bodies to reach a compromise.<sup>22</sup>

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18. See Chapter 4, pp.113-119 for the endeavours of the Agent-Generals.

19. See Chapter 1, p.17.

20. Mesthrie, 'From Sastri to Desmukh', p.i.

21. *Ibid.*

22. See Chapter 5, pp.130-135.

The road to establishing unity was a long and arduous one with numerous obstacles in its path. Unity was achieved on 8 October 1939 with the amalgamation of the Natal Indian Congress and the Colonial Born and Settlers' Indian Association to form the Natal Indian Association. Although total or absolute unity was not possible the amalgamation did in effect put an end to the situation where the Indian community were represented by two organisations. The Natal Indian Association's short-lived existence terminated on 29 August 1943 when it was absorbed into a re-constituted Natal Indian Congress. To an extent the re-born NIC resembled the Association in that its constitution, strategy, tactics and objectives converted what the Association recognised on paper into reality. This new body sought to resist the inherent contradiction in the oppressive policy of the government by resorting to alternative forms of resistance, by embracing other Black organisations and to turn the political organisations into popular movements responsive to the mood and aspirations of the masses. The main factors which enabled the so-called "radicals" to assume control were the socio-economic factors, the role and growth of the trade union movement, the role of the intelligentsia, links with non-political bodies, the influence of the South African Communist Party and the continuous stream of discriminatory legislation. It is noteworthy, however, that at no time prior to the emergence of the re-born NIC in 1943 did Indian politics seek a radical transformation of the social order. However, Indian political organisations did resort to moderate measures in order to articulate the aspirations of the community and obtain redress of grievances of their constituency. While sufficient evidence exists of their attempts in this regard there was little evidence of mobilisation of the underclasses. Swan concludes that political action mainly consisted of "...constitutional protest: letters, petitions and deputations" to governments officials in India and the Union.<sup>23</sup> The ideological basis of their politics after 1943 was consistent with it seeking to transform the social order in terms of a process of proletarianisation of the underclasses within the existing social system. The re-constituted NIC of 1943 included former members of the NIC and NIA who were of moderate persuasions as well as the radicals who had constituted the Nationalist Bloc

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23. M.Swan, 'Ideology in Organised Indian Politics, 1891-1948' in S.Marks and S.Trapido (eds.), *The Politics of Race, Class and Nationalism in the Twentieth Century South Africa* (London and New York, Longman Ltd., 1987), p. 192.

of the NIA in February 1940. This was to be a period of uneasy co-existence as accommodationists and confrontationists divided in their responses to segregation moves by the government. The struggle for power was won by the radicals only in 1945.

SOUTH AFRICAN INDIAN CONGRESS

## C O N S T I T U T I O N

-----oOo-----

## 1. NAME.

The Organisation formed under these rules shall be known as the South African Indian Congress and shall hereinafter be referred to as the S.A.I.C.

## HEADQUARTERS.

The Executive hereinafter provided shall have its Headquarters at such place as the Conference may from time to time decide.

## 2. POLICY.

The Policy of the S.A.I.C. shall be Non-Sectarian and Non-Partisan in the representation of the Indian Community in South Africa.

## 3. OBJECTS.

The objects of the S.A.I.C. shall be :-

1. To unite and assist the Constituent Organisations in carrying out the objects set out in their respective constitutions in so far as they are not inconsistent with the aforesaid Policy.
2. To provide for a Policy of reciprocity as between the constituent organisations.
3. To hold Conferences on matters of concern to the Indian Community as Indians and as South Africans.
4. To improve the relations between Indians and

Europeans and other communities, and to promote  
friendliness between those resident in the Union.

5. To co-operate as far as possible with other  
Communities and Organisations in matters affecting  
the interests of the people resident in the Union  
and elsewhere.

6. To do all such other things as may be consi-  
dered incidental or conducive to attaining the  
above objects and to promote generally by all  
legitimate means the interests of Indians as  
South Africans and to be helpful to other peoples  
in the Union.

#### 4. CONSTITUTION.

The S.A.I.C. shall consist of:-

- (a) The Conference as hereinafter constituted.
- (b) An Executive with Headquarters if and whenever  
the Conference decides upon the establishment  
of one.
- (c) Provincial Congresses, Societies or Associat-  
ions.

District Branches shall be subordinate to  
their Provincial Congress, Society or Association.

#### 5. MEMBERSHIP.

The constituent organisations as hereinafter  
follows shall be foundation members of the S.A.I.C.

- 1. Cape British Indian Council.
- 2. Transvaal British Indian Association.
- 3. Natal Indian Congress.
- 4. Organisations in Territories not mentioned  
in above.

Organisations of Indians within Territory not

heroin included may be admitted to membership on such terms and conditions as Conference may decide.

#### 6.-CONFERENCE..

There shall be constituted a Conference consisting of :-

- (a). Cape Province - - - Thirty (30) Delegates.
- (b) Transvaal - - - Thirty (30) "
- (c) Natal - - - Thirty (30) "

and Conference shall decide the extent of representation to be given to Territories subsequently admitted.

#### 7. ELECTION OF DELEGATES.

Each Province, or any Territory subsequently admitted, shall select their own delegates.

#### 8. MEETINGS OF CONFERENCE.

Conference shall, if possible, meet annually in such Province and shall open on such fixed date as each preceding Conference may decide.

Special Conferences may be convened in the interim if the President, Vice-Presidents and the majority of the Province so decide.

#### 9. . PRESIDENT.

A President shall be elected at every Conference and shall hold office until a successor is appointed by a succeeding Conference.

Should a vacancy occur in the office of President such office shall be filled for the unexpired period by the Executive..

#### 10. VICE PRESIDENTS.

The President of each Provincial Congress, Society or Association shall ipso facto become a Vice-President of the S.A.I.C.

#### 11. OTHER OFFICIALS

(a) An Honorary General Secretary and an Honorary Treasurer shall be elected at every Conference and hold office until successors are appointed at a succeeding Conference. Should a vacancy occur in either of these offices, such office shall be filled for the unexpired period by the Executive.

(b) Until Conference otherwise resolves all other necessary Officials may be appointed by the Executive.

#### 12. EXECUTIVE.

The Executive power of the S.A.I.C. shall be vested in the President, Vice-Presidents, Honorary General Secretary, Honorary Treasurer and three Councillors from each of the Provinces and shall extend to the execution and maintenance of this Constitution and Resolutions passed by Conference, provided the Executive shall not commit itself to any principle unless such principle be laid down in Conference.

#### 13. QUORUM.

That one third shall be considered a quorum for any Executive Meeting, provided fourteen days' notice under registered cover is given to all constituent organisations and their representatives

on the Executive and one third shall be considered a quorum for Conference provided three months' notice under registered cover is given to all constituent organisations.

#### 14. FINANCE.

The S.A.I.C. shall be financed on the following basis :-

- |     |                 |       |           |
|-----|-----------------|-------|-----------|
| (1) | Cape Province - | £1500 | per Annum |
| (2) | Transvaal -     | £150  | " "       |
| (3) | Natal -         | £150  | " "       |

The foregoing subscriptions shall be paid into the Headquarters in one instalment, or two equal half-yearly instalments.

No Province shall unless Conference otherwise resolves be allowed representation at Conference if six months in arrear with its instalment.

#### 15. LEVIES.

Should the provision made in Rule No.14 for finance during the interim between Conferences be insufficient the Executive may with the approval of a majority of the Provinces, levy in the proportion of their subscriptions further subscriptions upon each Province as may be deemed necessary for adequately financing S.A.I.C.

Any levy so made shall be binding upon all Provinces.

#### 16. STANDING ORDERS.

The Standing Orders of the S.A.I.C. shall be taken as incorporated herein.



#### 17. AMENDMENT OF CONSTITUTION.

No alteration, amendment, deletion or addition to this Constitution shall be made unless notice to the effect in writing shall have been despatched by a registered post to the Headquarters not less than two months previous to the date of the opening of Conference and subsequently approved by a majority vote of the Provinces represented at and voting in Conference.

# THE COLONIAL BORN AND SETTLERS' INDIAN ASSOCIATION

## MANIFESTO

1. Indians born in this country and those who have made this country their permanent home, have the indisputable right to remain in this country.

The Association will strenuously oppose any scheme which has for its object the sending away of Indians from this country. It will oppose the Colonization Scheme and will fight for the deletion of the Assisted Emigration Scheme from the Statute.

2. The Union Government admits that eighty per cent. of the Indian population of South Africa are born in this country. The Association, whilst safeguarding their existing rights, will work towards Indians attaining full citizenship rights.

3. Recognising the principle that there shall be no taxation without representation, and recognising that Indians contribute in proportion to their earning capacity and wealth, to the taxes of the country, the Association will ~~claim~~ franchise rights for Indians.

4. The Association will concentrate on the Educational and social uplift of the poorer classes of Indians who have hitherto been neglected.

5. The Association will organise Indian labour so that it may take its rightful place in the industrial fabric of South Africa. It will adhere to the principle of equal pay for equal work. The Association will oppose the white labour policy which is retrograde in its application.

6. The Association accepts the view that Indians in South Africa should conform to western standards of living. To attain that standard the Association will ask for increased facilities for higher education both for boys and girls, and for the industrial and agricultural education of Indians and will press for free primary education for Indian children and for equal economic opportunities.

7. Whilst the Association claims full citizenship rights, Indians will offer themselves for enrolment in the defence force of the country.

8. The Association will organise Boy Scouts and Girl Guides amongst Indians, and will seek for recognition of such movements by Headquarters.

9. The Association will not countenance any illicit entry into this country.

## CONSTITUTION AND RULES

### NAME

I. The organisation herein constituted shall be known as the "Colonial-Born and Settlers' Indian Association" and hereinafter referred to as the Association.

### HEADQUARTERS

II. The headquarters of the Association shall be in Durban, in the Province of Natal.

### POLICY

III. The policy of the Association shall be South African in that it stands for Western standards subject to the retention by its members of their religions and their languages.

### OBJECTS

IV. The objects of the Association shall be:

1. To organise into one brotherhood all who have been born in South Africa and have permanent lawful homes in South Africa.
2. To further educational facilities especially technical, industrial and agricultural.
3. To work for the modification of the white labour policy that it be not used to displace Indian labour because it is Indian labour but that it should merely represent white economic standards and generally to work for the improvement and recognition of Indian workers.
4. To work for the improvement of Indian farmers especially peasant farmers.
5. To work for better trading facilities.
6. To safeguard, protect and maintain existing rights and to oppose any encroachment thereon and to win back rights taken away especially the franchise.
7. To oppose repatriation, assisted emigration, colonization, illicit entry and any scheme having for its object the reduction of the Indian population.

lation.

8. As South African Nationals to work to secure full citizenship rights.
9. To work for the removal of the prohibition against Indians joining the Defence Force.
10. And generally to do everything to further the interests of South Africa and work for inter-racial co-operation and understanding in South Africa.

### CONSTITUTION

V. The Association shall consist of:

1. The Association.
2. Branches.
3. Women Auxiliaries.
4. Members.

### MEMBERSHIP

VI. The qualifications for membership of the Association shall be:

1. (a) Indians who were introduced to Natal by the Natal Government.
- (b) Indians who have lawful permanent homes in South Africa.
- (c) South African born Indians regardless of sex subject to their being 21 years of age or more.
2. Persons eligible for membership shall become such on joining any of the Branches hereinafter constituted in accordance with the Constitution, or on joining the Association itself.
3. Membership of the Association shall cease when a member ceases to be a member of the Association or of the Branch Association.
4. The Association may make regulations governing the conditions of transfer from one branch to another and for prohibiting or otherwise regulating the enrolment in one branch of any

- person who has not paid his dues to another.
5. No member of a branch shall communicate with the Association except through his branch.
  6. No person shall be eligible for membership who is a member of another political body.

#### VII. OFFICIALS

The officials of the Association shall be :

- (a) President.
- (b) 15 Vice-Presidents in addition to the Chairman of Branches and Auxiliaries who shall ipso facto be Vice-Presidents.
- (c) 3 Honorary Secretaries.
- (d) 2 Honorary Treasurers.
- (e) Auditor (who shall have no vote or voice in the Association.)

#### VIII. COMMITTEE

The Committee shall consist of :

- (a) 30 members elected at the annual general meeting.
- (b) Officials.
- (c) One delegate from each branch committee in respect of every hundred members up to three hundred members and thereafter one delegate for every two hundred.
- (d) 2 delegates from a Women's Auxiliary.
- (e) 3 members from each industry, trade occupation and calling elected by that industry, trade occupation and calling and failing such election, shall be appointed by the committee

#### IX. EXECUTIVE

The Executive shall consist of President, 4 Vice-Presidents, Secretaries, Treasurers and 6 members who shall act in all cases of emergency and report to the committee. 8 to form a quorum.

#### X. ELECTION

The officials and members of the Committee and Executive shall be elected by the annual general meeting and shall hold office until their successors are elected. In the event of any vacancy it shall be filled by the committee subject to confirmation at the next general meeting of the Association.

#### XI. ANNUAL GENERAL MEETING

The annual general meeting shall be held in the month of December and special general meetings shall be held as the committee may decide or on a requisition signed by not less than 25 members of the committee. The secretaries shall convene the meeting within 7 days after receipt of the requisition. Requisitionists must state the objects for which the special general meeting is necessary.

#### XII. MANAGEMENT

1. The committee shall manage the affairs of the Association. It shall meet at least once a month preferably on a Sunday. 20 shall form a quorum.
2. The committee may delegate any of its powers to a sub-committee, and it may also withdraw such appointment.
3. The committee specially shall appoint sub-committees with specific powers to represent the Association in areas not served by a branch and such sub-committees shall report from time to time.
4. The committee may pass any bye-laws not inconsistent with or repugnant to these Rules.
5. The President shall preside in his absence one of the Vice-Presidents in rotation, failing a Vice-President, a committee-man shall be appointed to preside.
6. Any committeeman who without leave absents himself from three consecutive meetings shall ipso facto cease to be a member

#### XIII. SUBSCRIPTIONS

Every member who registers directly with the Association shall pay an annual subscription of 2/6 (two shillings and six pence) and in the case of his registering with a branch such branch shall pay the Association 40% of such subscription with particulars of the name, address and occupation of such member. Any member who is an unskilled worker in the Mines, Railways, Estates or a farm labourer shall pay an annual subscription of 1s.

For the time being Women's Auxiliaries will not be required to make any financial contribution to the Association.

#### XIV. FUNDS

The Association may raise funds for any purpose and in the event of any funds being raised for acquisition of immovable property for the Association a Trust shall be created with specific powers.

#### XV. CONTROL OF FUNDS

The Treasurers shall issue an official receipt for all moneys received on account of the Association and such moneys shall forthwith be deposited to the credit of the Association with a Bank decided upon by the Committee and shall be drawn by cheques which shall be signed by the President, one of the Secretaries and one of the Treasurers.

All accounts shall be passed for payment by the committee and such authority shall be reflected in the Minute Book. In the case of emergency, expenditure not exceeding £5 (Five Pounds) may be incurred by the honorary treasurers which however shall be submitted to the next committee meeting for its approval.

#### XVI. MINUTE BOOKS ETC.

Minute Books shall be kept reflecting the proceedings of all meetings and copies of such minutes may be sent to all branches and Women Auxiliaries.

Books of accounts and official receipt books shall be kept.

At monthly committee meetings a financial statement shall be submitted and at the annual general meeting an audited balance sheet and revenue and expenditure accounts.

#### XVII. BRANCHES

Branches shall be subject to the Rules set out in Schedule "A."

#### XVIII. WOMEN'S AUXILIARIES

Women's Auxiliaries shall be subject *mutatis mutandis* to the Rules applicable to all branches and shall work in co-operation with their local branch.

#### XIX. MASS MEETINGS

Mass meetings of Colonial Born and Settler Indians may be called by the Association on questions of importance and at such meetings those present shall have a right to vote on the question submitted to them.

#### XX. AMENDMENT ETC. OF RULES

These Rules may be altered at the annual general or at a special general meeting provided notice of such amendment or alteration is given 30 days before the date of the annual general or special general meeting. No amendment or alterations shall be passed unless two-thirds of those present shall vote for such amendment or alteration.

#### SCHEDULE "A"

##### 1. BRANCHES

Branches of the Association shall be established as follows:—

Any 50 or more members or persons eligible for membership may apply to the General Committee.



for permission to form a Branch.

The General Committee shall consider the application and if it is of opinion that a Branch should be formed, permission may be given for the formation of the branch and the area of such branch shall be limited.

## 2. BRANCH MEETINGS AND COMMITTEES

At the inaugural meeting and thereafter annually in the month of November there shall be elected from among the members of the branch, a chairman, vice-chairman, secretary and or treasurer and any other official that the branch committee may decide and a Committee of not less than three nor more than twenty as may be decided at that meeting by the members of the branch.

## 3. BRANCH COMMITTEE POWERS

Branch committees shall carry out the policy and objects of the association. They shall see the proper working of their branch, in accordance with this Constitution. They shall not proceed to business unless there is a quorum of five or one fourth, whichever is the lesser, committee members present.

## 4. BRANCH COMMITTEE MEETINGS

Branch committee meetings shall be held at least once a month but a special meeting may be convened on the instructions of the chairman or upon a requisition signed by at least ten members should any branch render such a course necessary. Any member of the committee failing to attend three consecutive committee meetings without leave ipso facto cease to be a member thereof.

## 5. BRANCH SUB-COMMITTEES

Each branch committee may appoint a branch executive committee and sub-committee with specific objects of such members and with such power as they may decide.

## 6. POWER OF BRANCHES AND BRANCH COMMITTEES

Branches and branch committees except in so far as they may be limited by regulations or resolutions of the Association shall have power to do all things necessary to carry out the policy and objects of the Association in the jurisdiction of their branch and shall give effect to the instructions and resolutions of the Association.

## 7. SPECIAL BRANCH MEETINGS AND NOTICES

In addition to the ordinary annual general meetings of the members special meeting of members shall be convened

- (a) when so ordered by the Association or by the branch committee or
- (b) on a requisition signed by at least 50 members or a third of the membership of the branch whichever is the smaller.

At least seven days notice shall be given of all meetings by hand-bills or circulars or by notice in the public press if the committee so decides unless in case of urgency three members of the branch committee including the chairman approves of shorter notice.

## 8. BRANCH MEETINGS: PROCEDURE AND POLL

Every member shall be entitled to vote at all meetings of his or her branch. At all such meetings the chairman or in his absence the vice-chairman shall preside and if neither of these officers be present, the members shall elect a chairman by a show of hands. At any General or special general meetings of the branch, a resolution put to the vote of the meeting shall be decided on by a show of hands unless a poll is demanded by not less than twenty members or a third of the members present

whichever number is the smaller present at the meeting. The poll shall be taken in such a manner as the chairman may direct. Twenty members or a third of the members, whichever number is the smaller, shall form a quorum and the chairman shall have only a casting vote.

## 9. MINUTES ETC.

Every branch shall keep a minute book and books of accounts including official receipt books all of which shall be open to the inspection of the association or its nominee at any time.

Every branch shall in due course forward a copy of its minutes, annual reports and financial statements to the association.

## 10. DISSOLUTION OF BRANCH

If in the opinion of the Association it is desirable that any branch should cease to exist as such it may by resolution declare such branch to be no longer a branch of the association and either transfer the members to some other branch or to itself or to leave them to apply individually for admission to another branch or to the association itself.

## 11. SUBSCRIPTIONS

Every member shall pay an annual subscription of 2/6 (two shillings and six pence) on or before the annual general meeting of the branch and any member while he is in arrear with his subscription shall not be entitled to sign a requisition or participate at any meeting.

Forty per cent. of the subscription collected by the branch shall be subscribed by the branch to the Association. A list of members with their addresses and occupations together with the forty per cent. of their subscriptions shall be handed to the Association at the end of every three months.

## 12. FUNDS

Funds may be raised by a branch within its area for any purpose subject to the approval of the Association. A branch shall at the request of the Association collect funds for it.

## 13. BALANCE SHEETS

The Treasurers shall submit monthly Financial statements to the monthly branch committee meeting and an audited balance sheet and revenue and expenditure account at its annual general meeting.

## 14. AUDIT OF ACCOUNTS

A qualified auditor shall be appointed by the branch. He shall audit and certify the statements of accounts to be submitted to the annual general meeting.

## 15. CONTROL OF FUNDS

All amounts due to or collected by the branch shall be paid to the treasurer who shall issue all receipts for same and all such amounts shall be paid by him to a banking account to the credit of the branch which shall be opened with such bank as the branch shall decide.

All payments must be authorised by the branch and cheques drawn on the banking account shall be signed by the chairman and treasurer of the branch.

All accounts must be approved by the branch before being passed for payment provided nothing in the rule prevents any branch authorising expenditure of amounts up to £5 (five pounds) in case of emergency by someone duly appointed thereto.

## 16. PROPERTY OF DISSOLVED BRANCH

Where a branch is dissolved under Rule or otherwise ceases to exist the funds and other property, if any, shall be transferred to the Association.

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