

INDIANS ABROAD

A Protest
against
The Asiatic Segregation Bill
of
The Government of the Union of South Africa

MARCH, 1939.

AL INDIAN CITIZENSHIP ASSOCIATION
BOMBAY.

Sohrab House, Union.
235, Hornby Road, Fort St. James
Bombay, 25th March, 1931

From

The Chairman,
**Imperial Indian Citizenship Association,
BOMBAY.**

To

The Secretary,
**Government of India,
Department of Education, Health & Lands,
NEW DELHI.**

Sir,

I am desired by the Council of this Association to address you this letter with regard to the proposed Asiatic Segregation Scheme in the Union of South Africa.

The reported legislation has threatened the position of Indians in South Africa to such an extent that they are driven to desperation and at a few hours' notice decided to depute Pandit Bhavani Dayal, President of the Natal Indian Congress, to India in order to apprise the people and the Government of India its real implications.

The idea of segregating Asiatics in South Africa is not new in that country's politics. The main object is the eventual expulsion from South Africa by continued degradation of our unhappy countrymen there who to-day are seeking counsel and guidance.

Indit Bhavani Dayal arrived in Bombay on 15th, 1939 and had a conference with the Council of Indian Association the same day. He explained to the Council the position of Indians in South Africa with particular reference to the reported Asiatic Segregation Scheme in the Union of South Africa.

The Asiatic Enquiry Committee of 1920 was appointed as a result of the Europeans clamour to segregate Asiatics. Its Report stated, "Indiscriminate segregation of Asiatics in locations and similar restrictive measures would result in eventually reducing them to helotry. Such measures, apart from their injustice and inhumanity would degrade the Asiatic and react upon the Europeans". The Commission recommended that "there will be no compulsory segregation of Asiatics".

The Class Areas Bill was introduced by the Union Government in 1924 but was not proceeded with due to the resignation of the then Government. Another measure known as the "Areas Reservation Bill" was introduced in 1925. After protracted negotiations between the Government of India and the Government of the Union of South Africa a Round Table Conference was held between the representatives of the two Governments at Cape Town which resulted in the Cape Town Agreement and the withdrawal of the Bill.

By the Cape Town Agreement of 1927, the Government of the Union of South Africa recognised Indians in South

Africa as a part of the permanent population of the Union. The "Uplift" clause of the Agreement was a sufficient indication that in future there would be no untoward trouble between India and South Africa so far as the status of Indians in South Africa was concerned. According to the "Uplift" clause, "The Union Government firmly believes in and adheres to the principle that it is the duty of every civilised Government to devise ways and means and to take all possible steps for the uplift of every section of the permanent population to the full extent of their capacities and opportunities, and accept the view that in the provision of education and other facilities the considerable number of Indians who remain part of the permanent population should not be allowed to lag behind other sections of the people".

In announcing the Agreement, Dr. Malan said:— "The Government reaffirmed the recognition of the right of South Africa to use all just and legitimate means for the maintenance of Western standards of life. The Union Government recognised that Indians domiciled in the Union who are prepared to conform to Western standards of life should be entitled to do so".

The Segregation clause in section 5 of the Transvaal Asiatic Land Tenure Amendment Bill of 1932 was amended as the result of the second Round Table Conference. These facts indicate that the Government of the Union of South Africa had agreed in principle that there should be no segregation of Indians domiciled in the Union. The latest

scheme of Optional Servitude now under consideration in South Africa, however, is incompatible and inconsistent with the letter and spirit of the solemn pledges given in the past by the Government of the Union of South Africa.

It is reported that the Minister of the Interior, Mr. R. Stuttaford, has proposed to the Government that legislation be introduced granting authority to register a servitude prohibiting the lease and sale of land to Asiatics and the occupation of land by Asiatics, if, for example, 75 per cent. of the owners of properties agree to it. The servitude will be registered free of charge. The Bill, in simple words, is designed to effect segregation of Asiatics from the Europeans areas compulsorily, if 75 per cent. of the European landlords decide to demarcate their particular area as the sole reserve of the whites.

This Bill has been the outcome of the representations made to the Minister about three months ago by a deputation of seventeen representatives of the Transvaal led by Mr. J. M. Van. H. Brink, member of the Executive of the Transvaal Provincial Administration. The grounds alleged by this Deputation on which promise from the Minister was secured are summarised as follows :—

- (a) The immigration of Asiatics is increasing.
- (b) The laws prohibiting the ownership of immovable property by Asiatics are not properly enforced.

- (c) Indians are chiefly responsible for the boycott of National Mark Products.
- (d) Europeans and European girls are employed by Asiatics.
- (e) Asiatics with their families reside under very unhygienic circumstances on their business premises.

The deputation asked that once and for all a solution of the problem must be found, that the immediate segregation of Asiatics and separate residential and business areas must be provided for Asiatics. They stressed the desirability of passing legislation on the lines of the Class Areas Bill.

The measure is so dangerous that according to information given by Pandit Bhavani Dayal, it will have effect on Indians in South Africa as under :—

1. It will steadily bring about the utter ruination of nearly two hundred thousand Indians in the Union of South Africa of whom 85 per cent. are born there ;
2. The Indians in South Africa fear that the proposed bill will nullify the recommendations of the Feetham Commission according to which the ownership of land for the Asiatics in the Transvaal is allowed in limited "exempted" areas ;
3. If the present Bill becomes law it will mean the death knell for 10,000 Indians now living in the Reef areas in the Transvaal.

Regarding the two specific charges (a) and (c) levelled against Indians the South African Indian Congress in a statement to the Hon. The Minister of Interior gave the following replies :—

(a) *"Immigration of Asiatics is increasing"*

"Anyone who takes an interest in the problems of this country must know that Indian immigration from India has ceased since 1913, and that the only persons now admitted to the Union are the wives and minor children under the age of sixteen, of domiciled Indians, and a very small number of educated entrants who are allowed to enter on temporary permits."

(c) *"That Indians were chiefly responsible for the boycott of National Mark Products"*.

"Nothing can be further from the truth ; the department of Agriculture can testify that the Transvaal Indian Congress assisted greatly in the settlement of the boycott which was initiated by interested European agents in the Diagonal Street area, and that the Indian Congress was largely responsible and instrumental in calling off the boycott. These two examples are quoted in support of our contention that the conclusions of the Ratepayers' Conference are based more on ignorance, race prejudice, and misrepresentation than on any true appreciation of the position. The members of the Asiatic Land Laws Commission, presided over by the Honourable Justice Murray, inspected the areas occupied by Indians in the different rural towns, and we are confident that their findings (if given) would strongly support our contention."

The Indian community voluntarily accepted under Mahatma Gandhi's leadership the total prohibition of further Indian immigration to South Africa with expectations that the status of the resident Indian population would be maintained and improved. The same motive actuated them when they accepted the Assisted Repatriation Scheme under the Cape Town Agreement and sent back to India 20,000 of their compatriots. It was generally felt in India that our countrymen in South Africa had secured no more than their minimum claims and for that they had to make enormous sacrifices; with the sympathy, support and practical assistance of the people of India during the past crisis, they had gone to the utmost limit of honourable concession, by consenting unreservedly to the closest restriction of Indian immigration into the Union in order to allay the fear and hostility of their European fellow colonists. But unfortunately the Union Government have always gone back upon their word. The proposed Bill is a flagrant violation of the Cape Town Agreement and all other settlements previously arrived at between India and South Africa.

The Council of the Association feels that the position of the South African Indian population by the proposed Segregation Scheme in the Union has become desperate and is fraught with immense peril to the relationship between the two countries. In these circumstances, and with the danger of irreparable disaster to Indians in South Africa being imminent, the Council of the Association feels

its duty to request that the Government of India, mindful of the gravity of the situation, be pleased to impress upon the Government of the Union of South Africa the desirability of staying their hand in connection with the further progress of the proposed Bill. Obviously if this request of the Government of India is not heeded they would be free to take such measures as may appear to them to be feasible and necessary to vindicate the just rights of Indians in the Union of South Africa.

I remain,

Sir,

Your obedient servant,

Sd/- PURSHOTAMDAS THAKURDAS
CHAIRMAN.