

GOVERNMENT OF INDIA

Treatment of Indians in the Union of  
South Africa

REPORT

BY THE

Government of India

On the

Resolution passed by the United  
Nations General Assembly on December 8, 1946

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*Dated, New Delhi, the 21st August, 1947*

FROM

S. DUTT, Esq., I.C.S.,

*Secretary to the Government of India, External Affairs and  
Commonwealth Relations Department.*

TO

HIS EXCELLENCY M. TRYGVÉ LIE,

*Secretary-General of the United Nations Organisation,*

*LAKE SUCCESS (New York).*

SUBJECT:—*Treatment of Indians in South Africa.*

SIR,

I am directed to invite a reference to your letter No. 1204-4-2/JFC dated the 22nd January 1947 with which you were good enough to forward a copy of the resolution of the United Nations General Assembly adopted on the 8th December 1946. I am to forward herewith a Memorandum on the developments subsequent to the adoption of this resolution, which contains the Government of India's report in pursuance of paragraph 3 of the resolution.

I take this opportunity, Sir, to assure you of my highest consideration,

I have the honour to be,

SIR,

Your most obedient servant,

S. DUTT,

*Secretary to the Government of India.*

MEMORANDUM ON THE DEVELOPMENTS SUBSEQUENT TO SOME-  
ADOPTION OF THE UNITED NATIONS GENERAL ASSEMBLY RESOLUTION  
RESOLUTION OF THE 8TH DECEMBER, 1946, ON THE TREATMENT  
MENT OF INDIANS IN SOUTH AFRICA.

On the 8th December, 1946, the General Assembly of the United Nations adopted the following resolution:—

“THE GENERAL ASSEMBLY

HAVING taken note of the application made by the Government of India regarding the treatment of Indians in the Union of South Africa, and having considered the matter:

1. STATES that, because of that treatment friendly relations between the two Member States have been impaired, and unless a satisfactory settlement is reached, these relations are likely to be further impaired;
2. IS OF THE OPINION that the treatment of Indians in the Union should be in conformity with the international obligations under the agreements concluded between the two Governments and the relevant provisions of the Charter;
3. THEREFORE REQUESTS the two Governments to report at the next session of the General Assembly the measures adopted to this effect.”

2. Attitude of the Government of India towards the implementation of the resolution.—A copy of the resolution was transmitted to Pandit Jawaharlal Nehru by the Acting Secretary-General with his letter of January 22nd 1947 with the request to bring it to the attention of the Government of India. The Government of India had already been considering how best they could proceed to implement the resolution so far as they themselves were concerned. They felt that having regard to the circumstances in which the matter had been referred to the United Nations General Assembly and to the resolution adopted by the Assembly, they should wait for an authoritative indication of the intentions of the Union Government in respect of the resolution.

3. Field-Marshal Smuts's Statements on the U. N. O. Resolution.—F. M. Smuts returned to South Africa about the middle of December 1946. In his first public statement which he made in the course of a broadcast on the 18th December 1946 he attributed the resolution of the General Assembly to ignorance and a “solid wall of prejudice” against the colour policies of South Africa. According to him the Assembly had taken the decision on this question under the influence of a “flood of emotion” and “mischievous propaganda”. He accused the Assembly of having been unfair to the Union and of having denied it the most elementary and fundamental right of access to the International Court. He, however, did not give any indication of the action he proposed to take in regard to the resolution of the United Nations on the question of the treatment of Indians in South Africa. Referring to this resolution and the Assembly's resolution on South West Africa F. M. Smuts contented himself by saying that the Union public should bear in mind that the Union did not stand alone and isolated in these matters and that their importance and far-reaching implications called for mature consideration and for avoiding hasty action.

4. On the 20th December 1946, F. M. Smuts made a speech at Pretoria in which, in addition to the points made in his broadcast speech, he denounced the U. N. O. as a body dominated by coloured peoples. He further denounced the idea of human equality and said that this simply did not work in South Africa or anywhere in the world. F. M. Smuts declared that he did not regard what had happened at the U. N. O. as final and decisive.

**statement by Minister of the Interior.**—A clearer statement of the Union Government's attitude towards the resolution of the General Assembly came from Senator Clarkson, Minister of the Interior who, in a statement issued on the 27th December, 1946, said that the South African Government adhered to the policy formulated by F. M. Smuts during the debate on the Asiatic Land Tenure and Indian Representation Bill in 1946. "There can be no retracing the steps that have been taken" said Senator Clarkson. He, however, admitted that in respect of the provision of amenities to Indians which had been promised to them the Union Government had been neglectful. He expressed the hope that these promises would now be implemented.

**6. Debate in Union Parliament on the U. N. O. Resolution.**—On the 21st January 1947, Dr. Malan, the Leader of the Opposition, moved the following resolution before the Union House of Assembly:—

"That in view of the resolutions adopted recently by the United Nations Organisation relating to the incorporation of South West Africa, the charge against the Union in respect of its Indian legislation and the policy of race and colour discrimination generally, and in view of the serious implications of such resolutions for South Africa and more particularly for the White race and its future, this House is of opinion that—

- (1) the Union should give no effect to the request that South West Africa should be placed under the trusteeship of the United Nations Organisation and/or that the Union should accept any responsibility towards the Trusteeship Council of the United Nations Organisation with regard to the manner in which the Union as mandatory is governing that territory;
- (2) the Union should by virtue of its rights and powers as mandatory, grant to South West Africa the status, with the rights and powers, equal to that which its various provinces are entitled to, including reasonable representation in the Senate and the House of Assembly;
- (3) the Government should give no effect to the demand by the United Nations Organisation that the Union should confer with the Government of India regarding South Africa's own measures relating to the Indian question and be under an obligation to report thereon, except in so far as such negotiations have the express and exclusive object of having the Indian population of South Africa removed to India or elsewhere;
- (4) the Government should take the necessary steps to withdraw the group representation of Indians in Parliament and in the Natal Provincial Council granted recently, as it is now apparent that such representation is both undesired and futile;
- (5) a Joint Committee of both Houses of Parliament should be appointed to devise a comprehensive policy for the Union in respect of the colour problem generally and more particularly in respect of the native, coloured and Asiatic population groups in their relation to the white race, as well as their relations to each other, such policy to be based upon the principle of separation of Europeans and non-Europeans politically, residentially and as far as practicable, also industrially, and to be constructive and equitable in respect of the specific interests of each separate population group."

Speaking during the debate on this motion F. M. Smuts made it clear that his Government had no intention of repealing or modifying the Asiatic Land

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Tenure and Indian Representation Act, 1946. He regarded that Act as something "which is going to be an anchor to South Africa and to Natal in particular" and must consequently stand. Elucidating his stand at the United Nations General Assembly on the question of domestic jurisdiction, F. M. Smuts stated:—

"In some cases we consulted our allies and their advisers in order to ensure that we did not take any steps which could prejudice our case because we were not the only people who were interested in this discussion. Hon'ble Members will realize that the question of domestic jurisdiction does not affect South Africa only; it affects every state—America, Great Britain. They have the greatest interest in that question and they were also consulted with regard to our course of action."

He said that he was faced "by a position where ignorance and prejudice and emotions really made the position impossible" and that "every consideration was overwhelmed by passions and emotional motives."

Speaking on the Union's attitude on South West Africa in the course of the same debate he said:—

"I know that we are not standing alone. On a count of votes, on numbers it may seem as though we have suffered defeat, but I know—and I know what I am talking about—that we have friends and strong friends, and if it comes to the worst, we shall find that we are not standing alone."

Eventually the following resolution was adopted by the Union House of Assembly in place of the one moved by Dr. Malan:—

- "That this House approves of the way the Prime Minister and his colleagues in the Union Delegation to the recent United Nations Organisation Conference at New York defended the interests of South Africa both in the matter of South West Africa and of the complaint of the Indian Government against the Union and expresses its appreciation of their services. It also expresses its approval of the policy outlined by the Prime Minister in regard to the non-European communities in the Union, as it feels convinced that a conciliatory but firm forward policy is best calculated to conduce to the peaceful and co-operative progress of South Africa as a whole and to the goodwill of world opinion generally."

7. On the 30th January 1947, the following resolution was moved by Senator Basner, the Native Representative, in the Union Senate:—

"Whereas the social, economic and political structure of South Africa is incompatible with the fundamental principles of the San Francisco Charter and repugnant to the majority of nations in the United Nations Organisation;

Whereas it is necessary, in view of the disturbed and changing conditions and conflicting ideologies in the world, in order to avoid atomic warfare and the possible destruction of humanity, to strengthen the United Nations Organisation;

Whereas it is impossible for South Africa to withdraw from the United Nations Organisation without inviting sanctions and incurring the hostility of the United Nations; and

Whereas it is impossible without the co-operation of all races in South Africa and without rapidly increasing the national economy of South Africa, to make the necessary changes in the structure of South Africa;

This House is of opinion that the Government should summon a national convention of representatives of all races in the Union to arrive at a common understanding and to plan a commonly-accepted constitution for the future development of South Africa and submit the findings of this convention to the next session of U. N. O. by a South African delegation of all races and ask the United Nations for political and material aid to raise the educational and living standard of all citizens in South Africa to a degree in which all the citizens in South Africa will be satisfied, and which will avoid racial strife within the Union and without her borders."

The Government opposed this resolution and during the debate F. M. Smuts reiterated the stand taken by him on Dr. Malan's resolution before the Union House of Assembly. Senator Basner's resolution was lost and in its place the following resolution was passed by the Senate:—

"Resolved that this House reaffirms its belief in the United Nations Organisation based on the principle of the San Francisco Charter, and, whilst recognising the necessity, in the interests of the Union of South Africa, for the progress and development of all races in this country, and whilst expressing its determination to continue on the path of improving the conditions for all races generally, is of opinion that no good purpose could be served by the convening of a national convention, as the existing machinery for dealing with these matters is sufficient for the purpose."

**8. Increase of Anti-Asiatic feeling—Boycott of Indians.**—One of the direct results of the resolution adopted by the United Nations General Assembly was the intensification of anti-Asiatic feeling in the Union. A movement was set afoot amongst Europeans to boycott Indian traders and to refuse employment to Indians in European concerns. During its early stages the movement was confined mainly to the Transvaal but subsequently it affected certain areas of Natal also. In many places Boycott Committees were formed and members of the United Party and of the Nationalist Party co-operated in this matter by becoming members of the Boycott Committees in equal numbers. A meeting of Europeans convened at Pietersburg on the 10th February 1947 is reported to have resolved to boycott Indian traders and it was proposed that Europeans entering Indian stores and European girls working in Indian Establishments should be "tarred and feathered". Meetings were organised in many other towns of the Transvaal and retaliatory action was proposed against European customers and employees of Indian stores. At mass meetings organised in support of the movement large funds were raised for the purpose of the boycott. At these meetings the Controller was also urged to allot larger quotas of goods for European concerns with correspondingly smaller quotas for Indian traders. Action Committees and Vigilance Committees were formed. The natural result of this movement was to subject Indians lawfully carrying on business to the great hardship of economic boycott. In many cases the boycott was accompanied by physical force and several instances of these were reported in the press. In one case a European farmer who had voted against the Indian boycott at a meeting was waylaid and man-handled and he preferred a charge at the police station.

**9. Government's attitude to the Boycott.**—The boycott movement was, no doubt, unofficial in character but it had the active support of members of the Union Parliament from both parties. Responsible commercial and political organisations condemned the boycott and urged the Government to take counter-measures. Many liberal-minded Europeans also condemned the boycott as a movement with dangerous potentialities. In spite of these and of numerous instances of the European boycotters having taken the law into their own hands and of the special responsibilities cast upon them by the General Assembly's resolution, the Government of the Union of South Africa

remained peculiarly passive. In reply to a question in the Union Parliament, the Minister of Economic Development said that the boycott of Indian traders in South Africa was not a matter with which the Government was concerned. Nor was any disapproval of the boycott of Indians voiced by Government spokesmen in the course of the debate on the subject in the Union House of Assembly on the 14th April 1947.

**10. Government's proposal for Indian Advisory Board.**—Meanwhile certain proposals were made by the Government in the hope that these would soothe Indian opinion in South Africa. On the 5th February 1947, the Prime Minister, F. M. Smuts, announced to a deputation of the Natal Municipal Association the proposal to establish an Indian Advisory Board on the lines of the Coloured Advisory Council. The functions of the Board were intended to be to watch Indian interests and to advise Government on all matters relating to the welfare of the Indian community. A mixed composition of Indians and Europeans was proposed for the Board. The Indian community, however, emphatically and unanimously expressed itself against this proposal and refused to take part in any such communal body with restricted and advisory functions only. In their view the result of the Indian Advisory Board would be to further the segregation policy of the Union Government and that it would, like the Advisory Council for the Coloured people in the Cape Province, prove to be a failure. Eventually F. M. Smuts in his reply to a deputation of the Natal Indian Organisation announced that he would not proceed with the formation of the Indian Advisory Board, if the Indian community was opposed to it.

**11. Proposal for Municipal Franchise to Indians Defeated by Europeans.**—The question of municipal franchise in Natal for Indians was also the subject-matter of public discussion during the early part of the period covered by this report. On the 12th February 1947, at a meeting of the Natal Municipal Association, the Administrator of Natal outlined his proposals (contained in a draft Ordinance) for giving Indians municipal franchise on a separate roll and allotting them one or two seats on the Natal Town and City Councils. The Association passed a resolution asking the Administrator to defer any such legislation and to hold a general poll of municipal voters on the acceptability or otherwise of the proposals. As provided for by law, the Durban City Council demanded a referendum on this question. In the referendum held on the 28th February 1947, the proposals of the Administrator were rejected by 15,066 to 1639 votes, 37 per cent. of the electorate voting. The results of the referenda held in other municipalities also went against the proposals of the Administrator. The referendum was, of course, confined to Europeans only.

**12.** It was reported on 1st April, 1947, that the Natal Municipal Association was drafting an Ordinance for the provision of Indian Advisory Boards to deal with housing, and public health services for the Indian community, without giving the latter any kind of representation in the municipal councils. The Durban City Council accepted this proposal but the Indian community rejected it outright. Their views were well expressed by Mr. A. I. Kaje, a moderate leader of the Indian community, who, in commenting on the draft Ordinance, said:—

“Communal franchise, or, worse still a third class citizenship based on Advisory Boards, as now contemplated, can only make the Indian's position more ignoble and add to miseries of his condition.”

On the 17th July 1947, F. M. Smuts informed the press in Durban, with reference to the Ordinance, that public opinion was not yet ripe for giving Indians municipal representation. He said “They had been offered communal franchise and they had not accepted it; the Europeans would not seem to make up their minds on the question. Time might provide a solution.”

**13.** Thus the position in regard to this important civic right for Indians remains today the same as it was when the General Assembly passed the resolution of the 8th December 1946. The proposals of the Administrator of Natal,

which in themselves were not satisfactory to Indians, founded on the rock of racial prejudice and subsequent proposals were so discriminatory and segregatory in character that they were wholly unacceptable to Indians.

14. **Continuation of passive resistance movement.**—Meanwhile the Indian community has continued its campaign of passive resistance to the Asiatic Land Tenure and Indian Representation Act. Since the passage of the U. N. O. resolution nearly 200 persons have courted imprisonment making a total of 1752 including about 250 women and 6 Europeans (including three women).

15. **How the expectation of the Government of India regarding action by the South African Government remained unfulfilled.**—As stated in paragraph 2 of the memorandum it was the expectation of the Government of India that the Government of the Union of South Africa would take some action to give effect to the resolution of the General Assembly. In answer to a question in the Indian Legislative Assembly on the 5th February 1947, Pandit Jawaharlal Nehru, Minister for External Affairs and Commonwealth Relations, said that the Indian Government had taken no specific steps in regard to the struggle of Indians in South Africa since the decision of the United Nations General Assembly. In accordance with that decision, he said, it was natural to expect that the South African Government would take some action to remove the grievances of the Indians in South Africa. Any such action, Pandit Nehru went on, would be welcomed by the Government of India and would have their co-operation in so far as that was necessary. No move was, however, made by the Union Government and as time passed, it became more and more clear that they were unlikely to make any attempt to implement the resolution of the United Nations General Assembly.

16. Speaking in the Indian Legislative Assembly on the 14th March, 1947, Pandit Jawaharlal Nehru made the following statement:—

“I should like to mention that we propose to do everything in our power in accordance with the resolution of the United Nations General Assembly to find a solution for the problem of Indians in South Africa. Much has happened in South Africa since the resolution was passed, which has not been agreeable to Indian ears and which has irritated Indian public opinion. Nevertheless we have remained silent because we do not wish to create any difficulties, so far as we can, in the way of a proper solution. That proper solution obviously can only be on the lines of the United Nations Charter. \* \* \* \*  
\* \* We have waited for the last four months and more since the passage of this resolution by the General Assembly of the United Nations for the South African Government to take the initiative because it was for them to take the initiative. \* \* \* \*  
Still I want to say to this House and to others who may hear that we are prepared to consider this question and to make every effort subject of course to the fundamental principles I have stated and by which we stand. We are not going to stand on any question of prestige in regard to talking about or discussing the matter with anybody and at any time.”

17. **Efforts of Indian Government towards implementation of the resolution—the Smuts-Nehru correspondence.**—In pursuance of the statement quoted above the Government of India decided to address the Union Government on the question of implementation of the resolution. In a personal letter to F. M. Smuts, dated the 24th April 1947, Pandit Nehru expressed the Government of India's readiness to enter into any discussions the Government of the Union of South Africa might see fit to initiate for implementing the resolution of the General Assembly and assured the Union Government of the Government of



India's co-operation. This was the beginning of a correspondence between the two Governments, the full text of which is appended to this Memorandum as an Annexure.

18. Result of the correspondence.—The Union Government desired the return of the High Commissioner to South Africa for consultation. The Government of India preferred a Round Table Conference of representatives of both Governments, but were willing to send back their High Commissioner to South Africa for discussions provided the Union Government accepted the United Nations resolution as the basis of such discussions. The Union Government declined to do so. The net result of the correspondence between Pandit Jawaharlal Nehru and F. M. Smuts was that no common basis for discussion could be agreed upon and the effort made by the Indian Government proved infructuous. The position today, therefore, is the same as, if not worse than it was at the time of the passage of the resolution of the United Nations General Assembly.

19. In the view of the Government of India the Union Government have completely ignored the resolution of the United Nations General Assembly. Not only did they take no action to implement the resolution but by refusing to agree to the Government of India's request to accept the terms of the resolution as a basis of discussion they have clearly indicated that they have no desire to take any steps to remove the discriminatory treatment against Indians and other Asiatics imposed by legislation and administrative measures. Spokesmen of the Union Government, including F. M. Smuts, have in their statements impugned the judgment and impartiality of the United Nations, denounced its composition and subjected it to ridicule. The Government of India request that the United Nations should take note of these facts and decide upon appropriate steps to ensure implementation of the resolution and respect for the provisions of the Charter relating to fundamental freedoms without distinction as to race, language or religion.

## ANNEXURE

CORRESPONDENCE BETWEEN PANDIT JAWAHARLAL NEHRU AND FIELD MARSHAL SMUTS REGARDING IMPLEMENTATION OF THE RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON THE 8TH DECEMBER 1946 ON INDIA'S COMPLAINT REGARDING TREATMENT OF INDIANS IN THE UNION OF SOUTH AFRICA.

## LETTER No. I.

*Letter, dated April 24, 1947, from Pandit Jawaharlal Nehru to Field Marshal Smuts.*

DEAR PRIME MINISTER,

The Government of India earnestly desire to act in accordance with the terms and spirit of the resolution passed by the General Assembly of the United Nations on the 8th December, 1946, on the subject of the treatment of Indians in the Union of South Africa and are glad to offer their co-operation to assist in implementing paragraphs 2 and 3 of the resolution.

The Government of India have therefore pleasure in informing you of their readiness to enter into any discussions that the Government of the Union of South Africa may see fit to initiate for implementing the resolution of the 8th December, 1946. The Government of India would also like to assure you that they will give their best consideration to any other proposal or step that the Government of the Union may deem appropriate to suggest for the purpose of implementing that resolution.

Allow me to express the hope, on behalf of my Government, that the approach they now make may assist in finding a solution of our common difficulties and lead to the speedy restoration of normal and friendly relations between our two countries.

I remain,

Yours sincerely,

JAWAHARLAL NEHRU.

## LETTER No. II.

*Letter, dated April 28, 1947, from Field Marshal Smuts to Pandit Jawaharlal Nehru.*

DEAR PANDIT NEHRU,

I thank you for your friendly approach and for opportunity thus given to Union Government to discuss with Government of India common difficulties between the two Governments in regard to treatment of Indians in South Africa.

Union Government have for some time been desirous of raising this matter with Government of India but have been debarred from so doing owing to absence of High Commissioner for India who would be natural and obvious medium for exchange of such a purpose. Correspondence between the two Governments by cable or otherwise would mean delay and may not achieve their common purpose of finding solution of their difficulties.

Union Government would therefore suggest as most expeditious and effective approach High Commissioner for India should return to South Africa in order to confer with the Union authorities on questions in issue and best means of dealing with them and exploring the way to satisfactory solution. For this reason they would welcome his early return to the Union.

e Yours sincerely,

J. C. SMUTS.

## LETTER No. III.

*Letter, dated May 6, 1947, from Pandit Jawaharlal Nehru to Field Marshal Smuts.*

DEAR FIELD MARSHAL SMUTS,

I thank you for your message of the 28th April, 1947.

The Government of India note with satisfaction that the Union Government are desirous of raising this matter with the Government of India. They are, however, unable to agree that the absence of the High Commissioner for India from the Union debars the Government of the Union from initiating or conducting discussions with the Government of India or would prevent the achievement of our common purpose of finding a solution to our difficulties.

The Government of India conceive the immediate tasks before our two Governments as the taking of appropriate and effective steps to implement the resolution passed by the General Assembly of the United Nations on the 8th December, 1946.

The Government of India therefore request the Union Government to accept the implementation of the resolution of the 8th December, 1946, as the common and immediate purpose in which our respective Governments can co-operate for finding a basis for the solution of the problem with which our two Governments are earnestly concerned.

As soon as the Union Government have acceded to this request a common basis for future discussion would be established. The Government of India would then appoint, without delay, suitable representatives to join with the Government of the Union of South Africa or with such representatives as it appoints for the purpose, in discussion and further consideration of ways and means to resolve our difficulties.

The Government of India would welcome the representatives of the Union Government to New Delhi for this purpose and make all the necessary arrangements if such venue is agreeable to the Union Government. They are however prepared to agree to any proposal that the Union Government desire to make with regard to the venue of such discussions.

In inviting the Union Government to accept the implementation of the resolution passed by the General Assembly of the United Nations on the 8th December, 1946, as the common purpose of our joint endeavours the Government of India are actuated by the earnest desire to act in accordance with the terms and spirit of that resolution and in complete loyalty to the principles and the Charter of the United Nations Organisation. They are fortified by the belief that in the endeavour to implement the resolution the way to the solution of our common difficulties will be found.

The Government of India desire to state with frankness their position in regard to the proposal of the return of India's High Commissioner to the Union which you make in your message of the 28th April. The High Commissioner for India to the Union was recalled for consultations as a consequence of the deterioration in the relations between our two countries of which the General Assembly of the United Nations has taken note. The Government of India have to state with regret that these relations have not only not improved since but have deteriorated further. The reasons which determined this course of action therefore continue. While the Government of India seek and hope for an improvement of these relations and have taken the initiative in endeavouring to secure them, they are unable to revise their decision prior to an actual improvement in such relations. They will gladly arrange for the return of their High Commissioner to South Africa as soon as such improvement takes place. The Government of India however desire to assure you that the absence of the High Commissioner for India from South Africa will in no way hinder

or prejudice their effective participation in the joint deliberations of our two Governments for implementing the resolution of the 8th December, 1946.

The Government of India would appreciate your early reply to the proposals that they make and would like to assure you that they would always give their earnest consideration to any proposal that the Government of the Union desire to make.

Yours sincerely,

JAWAHARLAL NEHRU.

LETTER NO. IV.

*Letter from Field Marshal Smuts to Pandit Jawaharlal Nehru conveyed by telegram No. 4099, dated 18th June 1947 (received 19th June 1947) from, Pretoria.*

DEAR PANDIT NEHRU,

The answer to your letter of May 7th has been delayed as at the time of its receipt and subsequently conversations between Government and groups of South African Indians were going on in connection with Indian questions. These groups representing all classes of Indians were dissatisfied with conduct of their affairs by Natal Indian Congress whose leadership was under ideological influences of which they disapproved and whose approach they considered harmful to Indian interests. They had consequently separated from Natal Indian Congress and formed themselves into a new organisation, determined to make a new and more conciliatory approach to Government for remedy of Indian grievances.

The Government were quite willing to discuss their problems with them and in result a number of matters could be cleared up. These conversations covered such matters as land areas set aside for Indians or open to Indian acquisition under Asiatic Land Tenure Act of 1946, education, health, amenities generally for Indian community in Durban, trading licences and inter-Provincial exchange. Some of these matters could be definitely settled and others were reserved for further considerations after consultations with local authorities concerned. These Indian representatives of the new Organisation were of opinion that their ultimate aims can best be achieved in a spirit of goodwill and understanding and negotiation with Government and people of South Africa.

They were however also deeply concerned that relations between Union and India Government should be regularized in their own interests and put on a proper footing as soon as possible. They had been disturbed by reports that Indian Government had refused to send their High Commissioner back to Union and South African Indian Congress had already made representations to Indian Government for return of High Commissioner to Union. They pressed Union Government very strongly not to feel rebuffed by the refusal of Indian Government and to request for his return. This Union Government promised to do and we accordingly urge once more that Indian High Commissioner should be sent back in spite of objections to such a course stated in your letter under reply. It may be pointed out that this is proper course under international practice and under the circumstances connected with departure of Mr. Deshmukh. It was not a rupture of relations between Governments but simply a recall of High Commissioner to report to his Government while the office and staff remained in function as before. His return to office after his long absence would therefore involve no question of justice and would enable the two Governments to resume discussions in usual way on matters in

issue. If Indian Government should regrettably be unwilling to do so it would appear useless if not improper to devise other means of discussion. Technically we are on footing of friendly Governments and Union Government are anxious to treat Indian Government on that footing.

You will allow me to point out that Union Government are under severe provocation to consider the attitude of the Indian Government in this and in other respects less friendly. Indian Government have severed trade relations with South Africa and unilaterally applied trade sanctions to Union to great injury of South African interests including those of its Indian inhabitants. It was in fact a hostile act for which Union Government would have been justified to invoke intervention of Security Council. Union Government with great patience and forbearance refrained from doing so preferring to look upon India as a fellow member of British Commonwealth. In the same spirit the Union has favoured the rise of India to her full status of freedom and sovereignty in the most recent constitutional developments and I have publicly welcomed this splendid achievement of Indian and British statesmanship and wholeheartedly given it such blessing on behalf of South Africa as I can. Throughout this troubled period our attitude has been not only proper but indeed friendly in spite of difficult Indian problems which Union has to face internally and provocative attitude of Indian Government abroad. That friendly attitude we wish to maintain.

Under all these circumstances and backed up by a considerable volume of responsible Indian opinion in South Africa I can fairly claim that our relations should be normalised and that Indian High Commissioner should be returned to his duties in Union. I ask you to give serious consideration to our claim.

As you have sent copies of our previous correspondence to Secretary-General of United Nations Organisation I follow for convenience sake the same course. Believe me.

Yours faithfully,  
J. C. SMUTS.

#### LETTER No. V.

*Letter from Pandit Jawaharlal Nehru to Field Marshal Smuts conveyed by telegram No. 4909, dated the 24th June 1947.*

DEAR FIELD MARSHAL SMUTS,

I thank you for your letter of the 18th June in reply to mine of the 6th May.

2. In my last letter I requested the Union Government to accept the implementation of the resolution passed by the United Nations General Assembly on the 8th December 1946 as the common and immediate purpose in which our respective Governments can co-operate for finding a basis for the solution of the problems with which our two Governments are concerned and added that as soon as the Union Government had acceded to this request a common basis for future discussions would be established. You would allow me to point out that although in your present letter the Union Government have insisted on the return of our High Commissioner we have so far had no indication that they agree to proceed on the basis of the United Nations resolution. It still is our view that in the absence of an agreed basis for discussion the High Commissioner would not be able to achieve much. What is required is to agree first on the basis of discussion, and after that the channel of discussion can be settled without much difficulty.

3. The Government of India are firmly of the opinion that further discussions between our Governments, which they would warmly welcome, can only be on the basis of the United Nations resolution. They also feel that the issues involved are so highly important that these discussions could be brought to a satisfactory conclusion more expeditiously through a conference of fully

accredited representatives of both Governments than through the High Commissioner. Nevertheless, should the Union Government accept the United Nations resolution as the basis of discussions the Government of India would, in deference to the wishes of the Union Government and as a mark of their earnest desire to reach a friendly settlement, be prepared to send their High Commissioner to South Africa to initiate these discussions. They regret, however, that their last High Commissioner, Mr. Deshmukh, will not be available for this purpose.

4. There are other matters referred to in your letter on which I should like to put forward our point of view but would reserve this for a later occasion. My primary anxiety, like yours, is to see whether the present deadlock cannot be quickly and amicably resolved.

5. Before I conclude this letter I wish to express my appreciation of your friendly references to India's attainment of freedom. The new India desires nothing more ardently than to work in a spirit of co-operation for the peace and prosperity of the world with all like-minded nations.

Yours sincerely,  
JAWAHARLAL NEHRU.

LETTER NO. VI.

*Letter from Field Marshal Smuts to Pandit Jawaharlal Nehru conveyed by telegram, dated 28th July 1947 (received 29th July 1947) from Pretoria.*

DEAR PANDIT NEHRU,

I have your letter of June 25th and note that Union Government should accept compromise of implementation of United Nations General Assembly resolution as basis for discussion between the two Governments. I assume you mean that Union Government must admit that they have broken Agreements between the two Governments and violated principles of Charter.

Union Government are not prepared to make any such admissions in respect of issues which you yourself refer to as "so highly contentious". They have broken no agreements and violated no principles of Charter. They are not even sure what agreements and principles are referred to as their request for an advisory opinion by International Court of Justice on matter has been refused. In view of this uncertainty and obscurity they have suggested return of your High Commissioner and consultation with him might assist to clear up difficulties and make further progress possible. This however you have refused and that if reference in resolution to treatment of Indians in Union of South Africa is to provisions of Asiatic Land Tenure and Indian Representation Act of 1946 Union Government would point out following facts.

1. When Union Minister of Interior laid Capetown Agreement before Parliament he declared that Agreement was not rigid and binding and did not take away right of Union to resist interference from outside in its domestic affairs and that Union Government reserved nominal right to deal legislatively with Indian problem whenever and in whatever way they deemed necessary and just. No exception was taken by Indian Government to this declaration.

2. The Land Provisions of Asiatic Land Tenure and Indian Representation Act do not substantially differ from practice of other members of United Nations Organization in their policies to maintain peace between different communities in their states. As only one instance may be mentioned land purchase transactions between Jews and Arabs in Palestine. There is no reason why such policies to secure internal peace should be condemned nor why Union should be specially singled out for condemnation. If intervention of U.N.O. should be called for there should be first an enquiry into such practices among its members and especially such practices as involve racial or economic discrimination. Only thus could a policy of general application be laid down for

all. Special regard would also have to be had to principle of domestic jurisdiction which as laid down in Article 2 paragraph No. 7 governs all other principles and provisions of Charter.

Union Government are sincerely anxious to pay scrupulous regard to principles of Charter. It is however in interest of Organisation itself that its recommendations should be based on those principles as generally applied as well as on definite facts judicially ascertained and not on vague general charges to which popular sympathies and sentimental considerations may give an undue importance.

In view of vagueness and generality of charges against Union and high charged emotional atmosphere in which they were discussed Union Government must be specially on their guard against complying with your request and accepting so called implications of resolution referred to.

The refusal of Indian Government to avail themselves of offices of their own High Commissioner and their enforcement of unilateral trade sanctions against Union without authorisation of United Nations Organisation are of such an unfriendly character that there is little prospect of advantage from consultations between two Governments under such circumstances. Should however Indian Government see fit to change its attitude in this regard the way may be opened for discussions between them which may be more promising of ultimate success.

Yours faithfully,  
J. C. SMUTS.

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LETTER NO. VII.

*Letter from Pandit Jawaharlal Nehru to Field Marshal Smuts, conveyed by telegram No. 6442, dated 7th August 1947*

DEAR FIELD MARSHAL SMUTS,

I have received your telegram of the 28th July. You regard my request to accept the implementation of the resolution passed by the United Nations General Assembly on the 8th December 1946 as a request that the Union Government must admit that they have broken agreement between the two Governments and violated principles of the Charter. You add that your Government are not even sure what agreements and principles are referred to. I should have thought that the prolonged debates in the appropriate Committees of the General Assembly last year and the Assembly's decision had made the purport of the resolution perfectly clear. However, you seem to regard the resolution as uncertain and obscure and its adoption by the General Assembly of the United Nations as the result of discussion in a "high charged emotional atmosphere". I confess my inability to see how the return of India's High Commissioner to the Union can help to resolve matters which, in your opinion, the Assembly and its Committees left obscure and uncertain. I have tried my best to end the deadlock between our two Governments but must observe, with regret, that, through no fault of ours, no common basis for negotiations between us has been found.

Yours sincerely,  
JAWAHARLAL NEHRU.