

1. POLITICAL

DELIVERED BY MR. J. N. SINGH AT THE  
7th ANNUAL CONFERENCE OF THE NATAL  
INDIAN CONGRESS, HELD AT DURBAN ON  
THE 5th, 6th, and 7th FEBRUARY, 1954.  
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The Seventh Annual Conference of the Natal Indian Congress meets at a time when the world and our country are in a great turmoil. Despite the fact that the Axis Powers were defeated on the battle fields years ago, humanity still faces the difficult task of bringing about peace on earth.

While it is true to say that in every country on all continents the forces of peace are making important strides, those who stand to benefit by wars are continuing to make efforts to drown humanity in yet another blood bath notwithstanding the threat of extinction which the world faces as a result of the existence of the atom and hydrogen bombs.

The Indian people, indeed all people, of South Africa must realise that they too have a part to play in the present international situation. As a part of the oppressed people, they naturally stand for peace and against all those conditions which go to present the threat of another world war. We cannot be and are not neutrals on the question of war and peace.

When we met in Conference last year, the war in Korea was still waging. Today we record with gratitude the end of hostilities there, but peace loving people of the world still have the major task before them of maintaining world peace.

The most positive contribution that we can make towards the peace of the world is to aim towards the removal of basic causes of war amongst which are imperial oppression, colonial exploitation and racial discrimination. Thus we unhesitatingly give support to all legitimate struggles of the oppressed peoples everywhere to free themselves from imperialist bondage.

As far as racial discrimination is concerned, humanity has learnt from bitter experience that it bears the seeds of international conflict. The International Declaration of Human Rights today stands as a freedom charter of millions of people who are subject to humiliation and degradation on grounds of that mythical factor - race. The noble ideals embodied in this Declaration, unfortunately, still remain something to be attained by millions of people particularly on the continents of Africa and Asia.

Since the end of the last world war, the peoples of Asia have made tremendous advancement in their march towards the achievement of freedom and human rights. On that continent have emerged independent governments who are playing a vital role in international affairs for the cause of world peace and human freedom.

But what is even more important to us is the awakening of Africa. From North to South and East to West on this continent we today witness growing liberation movements of the people, demanding national independence to mould the future destiny of their countries. These

movements are destined to play a dynamic role in African and world affairs.

Although the voice of Africa is still to be heard directly and effectively in the councils of the world, her aspirations have been revealed clearly at the United Nations by delegates of countries pledged to the democratic ideals. Thus we find an outright condemnation by United Nations of the policies of race discrimination pursued by the Union Government. And again on India's complaint on treatment of South African citizens of Indian origin, the world forum found no hesitation in passing a resolution of censure on the Union Government. We are indeed grateful for the international support we have received. The magnitude of this support bears witness to the justness of our cause.

### S O U T H   A F R I C A .

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Since our last Conference the country once again experienced another General Election in which, in keeping with the caste structure of the country, only the privileged White minority participated. The results only confirmed what the democrats had expected - the return of the Nationalists with even a bigger majority. Our country today stands nearer the abyss of fascism than ever before in its history of white domination. There has been a systematic attack on the democratic rights of all sections of the people and civil liberties face extinction.

We have repeatedly declared from our platform that fascism is making headway in this country because the people who have the greatest interest in the promotion of the democratic ideals are denied the franchise. The privileged White caste regards the extension of the democratic rights to the Non-White people as a threat to their 300 hundred-year-old domination and in their efforts to retain their privileges they are either directly or indirectly destroying all vestiges of democracy.

It is most encouraging, however, that despite the privileges enjoyed by the White minority there are men and women among them who have given the democratic cause their unstinted support. During the year under review the South African Congress of Democrats came into being, as an organised body essentially representing Europeans who believe in the extension of full democratic rights to all sections of the South African people. And their support for the policy and programmes of the African and Indian Congresses is welcomed.

As far as the Liberal Party is concerned its policy is open to strong criticism by the national liberation organisations. Last year our President laid great stress on the stand of the Congress on the question of the franchise and condemned any suggestion that Non-Europeans should have any special qualifications placed on them, and he added:

"Let me say most categorically that only those Europeans belong to the democratic camp, who, without reservation, accept the inherent and fundamental right of all the oppressed people in South Africa to exercise equal franchise with those who enjoy it at present. Any person who denied the right of the Non-Europeans to have equal franchise and speaks of a qualified franchise for them, by his very stand, places himself outside the democratic camp whether such person happens to be White or Non-White."

These words of Dr. Naicker are important in our appraisal of the policy of the Liberal Party. This Party advocates a qualified franchise on the common roll. The effect of this policy is that while Europeans will automatically qualify for the vote, Non-Europeans will have to strive for and succeed in obtaining certain qualifications before they can exercise the vote. In a multi-racial community this policy leads to discrimination in practice and one cannot be blamed for condemning the Liberal Party on its policy particularly in relation to the franchise for in effect the Liberals are saying that the White dominance must remain for many years to come.

Both on the question of the franchise and the method of struggle for the achievement of democratic rights the Liberal party has been strongly condemned. Their motives have been questioned for is not their policy a deviation from the road chosen by the national liberation movement? We want to stress that on fundamental issues we differ with the Liberal Party and therefore Congressmen must realise that they have a duty only to the policies which they have adopted and a further duty of exposing the weaknesses in the policy of the Liberals. This does not however, mean that we will not co-operate with the Liberal Party on issues on which we agree.

As far as the Parliamentary Parties are concerned the only true new factor there, is the formation of the Liberal Party and with the policy of this Party we have already dealt. It is however correct to say that on the Parliamentary front there is no voice to express the real aspirations of the oppressed peoples of the Union.

The United Party, the Independent United Party Group, the Federal Party and the Labour Party are all agreed on maintaining white supremacy. All of them accept segregation, and their stand in Parliament against the Nationalists has amply proved to the Non-European people, if any proof was necessary, that they cannot look to Parliamentary struggle for the achievement of their objective, for Parliament as presently constituted is merely a battle ground to determine which of the existing white dominating groups shall rule South Africa.

Our struggle is essentially an extra-Parliamentary struggle. On that front we believe in united action on the part of all South Africans of all colours who advance the cause of democracy and freedom. The Defiance of Unjust Laws Campaign has been the most concrete form of implementing this policy.

Congressmen must be prepared for the grave struggle that lies ahead of the people of the Union. Our task is to form the widest possible united front to go into action against the Government's plans to enforce apartheid. For instance, on the question of the Group Areas Act we must work in conjunction with all those who reject this Law in toto in order to defeat the sinister purposes of the architects of this abnoxious measure.

The last session of Parliament was one during which further serious attacks were made on the rights of the people. And notwithstanding the decisions of the highest courts of the land the Nationalist Party is bent on continuing with its disastrous policy. The present session has before it a Bill which seeks to amend the Riotous Assemblies Act and the Suppression of Communism Act so that the Minister of Justice can at his will take away an individual's civil liberties without any recourse to the Courts of Law. The Bill which seeks to amend the Industrial Conciliation Act is yet another measure to preserve for the white ruling caste all the best avenues of employment and to destroy the full and independent trade unions.

Every thinking South African must realise that to-day South Africa is at the cross-roads. Either the country is driven further on the path of fascism or the people themselves boldly strike out on the only road which leads ultimately to the freedom for all sections of our population.

The time has arrived for the people of South Africa to make a vital decision and once that decision is made then to pursue unrelentlessly the road they choose. In order to react that decision and to get the maximum results from it the whole population has to be galvanised into action. There should be no doubt left in the minds of any people in the Union or abroad as to what the people of the country want. The will of the people must find an urgent expression in the crisis which faces the Union.

The Queenstown Conference of the African National Congress has laid the basis for the expression of the people's will. The call for a Convention of the People is vital and necessary to give the largest number of people the opportunity to plan for freedom. In the very near future the South African Indian Congress will be meeting to give this matter its serious consideration and I am sure that the people of Natal will rally in support for the suggested Convention.

At this Conference we must meet to review our work and to take decisions affecting the lives of our people in this Province in particular. Delegates assembled here have a duty to South Africa. As far as the Indian people are concerned we have a proud record. In 1960 we will be celebrating the centenary of the arrival of our forefathers in this country, and on the eve of this event we have every reason to be proud of the pioneering spirit displayed by our people, despite the serious obstacles placed in their path by the White Governments of the country. We have no hesitation in saying that when the history of the freedom struggle is written in this country, our people will occupy a place of honour in it.

It is in the hands of the delegates present here to steer our people on the correct path. Let us unitedly advance on that path of struggle, self-sacrifice, democracy and freedom.

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## II. EDUCATION.

### FREE AND COMPULSORY.

The goal of our people and Congress in the field of education is that it should be free and compulsory for all children of school going age, and that there should be ample provision and opportunity for higher education without discrimination for all who desire to advance their knowledge above the primary school level.

Today we are far from this goal. Education is neither free nor compulsory for our younger children. Thousands of children in the Province, variously estimated at between 20,000 and 40,000 are not in school because of the shortage of school accommodation. There is no provision for compulsion.

With the exception of Government schools where free books are made available to the needy only, our children have to pay their way into and through schools. This is an onerous burden for the vast majority of our community, seventy percent of whom live below the

bread line. We must continue to demand, as we have done all along for the provision not only of compulsory education but free schooling for all our children. Education should be provided on the same basis for all children irrespective of race, by the Provincial Authorities, and the discrimination practised by the Administration in its policy and financing of education in favour of one section only should cease if there is to be fair play and justice, and to enable all sections of the community to make their fullest contributions to the future development and progress of the country.

#### SCHOOL ACCOMMODATION.

The problem of accommodation is not only a perennial problem but one which requires urgent action. To examine the problem in its proper perspective one cannot help but lay the blame for the proportion it has reached on the Provincial Administration. The Indian community as no other community in the country, has done almost its maximum in bearing the burden of educating its children; a burden shouldered because of the neglect of the authorities in facing up to their full responsibility. The whole system of aided schools is unique, and now we have the peculiar development of platoon schools, all of which the community has been obliged to accept as temporary and urgent provisions, as alternatives to no schools at all.

The latest available statistics show that there are 257 schools in the Province of which only 37 are Government schools. The rest owe their existence to the self help, sacrifice and initiative of the people themselves. These schools today accommodate some 66,356 children and as stated earlier leave without accommodation about half this number of children of school going age. To accommodate these schoolless children would require at least another 25 schools. Add to this the number of children annually reaching the school going age, stated to be about 8,000 and allowing for the annual school leavers numbering some five thousand, provision has to be made annually for at least three thousand additional pupils requiring between seven and eight new schools.

Whilst agreeing that this task is the responsibility of the Provincial Administration, we cannot rest at that. Congress has ceaselessly campaigned on this question among the people and in the press and has brought the matter before the attention of the Authorities time and again. During the last year an interview had been arranged with the Administrator but this was adjourned sine die at the request of the Indian Education Committee.

#### INDIAN EDUCATION COMMITTEE:

On the 18th April last year a meeting of various organisations was convened by the President of the Natal Indian Organisation to discuss the problem of education, and this preliminary meeting which Congress attended, decided to convene a Conference of all interested bodies and Committees.

The Conference was held on the 21st June, 1953 and was attended by representatives of 15 trade Unions, a large number of Aided School Committees and Grantees and the Natal Indian Congress, Organisation, Teachers' Society, Youth Congress, Blind Society, Council for Child Welfare, the Durban Indian Benevolent Society, Combined Indian Ratepayers' Association and the Friends of the Sick Association.

The Conference formed the Indian Education Committee and Congress representatives are serving on it. As a result of the Conference and the resolution passed, the Indian Education Committee prepared memoranda and submitted representations to the Administrator in Executive and the Director of Education on the 19th August, 1953 and the 28th September 1953, respectively. The Administrator in Executive had suggested that a small Committee consisting of the Director of

Education and representatives of the Indian Education Committee should meet as often as necessary to thrash out details of the questions raised. The gist of the representations made concerned the demand for additional school buildings and additions to Government schools, an increase to 75% in the building grant to aided schools, a system of admission based on age priority from 7 year old upwards, and an annual census of those seeking admission at the beginning of each year.

#### AGE PRIORITY IN ADMISSION:

The ruling of the Department that Government schools must admit pupils on the basis of age priority, commencing from 7 year olds upwards and that children over ten are not to be admitted in infant classes has caused some controversy. The ruling is recommended to Government aided school grantees but is not compulsory.

The necessity for the ruling arises from two grounds. First the inadequate accommodation available to meet the mounting demand for admission and second the malpractice in many schools to make either money, favour, religion or sectional interest, the criteria for admission. The question would never have arisen if there were sufficient schools to accommodate all children applying for admission but today when thousands are being turned away - in Durban alone over 13,000 were refused admission according to the unsatisfactory census taken by the Department last year - the problem is an acute and urgent one and demands a practical solution. It is not enough to say that the answer is more schools. We must be bold enough to tell our people that if there is a picking and choosing to take place, it should be on the basis of age and not on the basis of the religion, or the section to which the child belongs, or the ability of the parent to pay for admission or on the extent to which one can curry favour with the Principal or Grantee of a school. We are convinced that if the system of admission on the basis of age is adopted in all schools, it will go a long way towards ending religious and language sectionalism which has crept into our educational system as a result of the lack of sufficient provision of school accommodation for our children.

#### SECONDARY EDUCATION:

The need for greater secondary educational facilities are felt more acutely in Durban than anywhere else in the Province. There are over 3,000 Indian students in the 13 secondary schools in the Province. In Durban Sastri College the only boy's High School is completely inadequate to meet the demand. Annually hundreds of boys are turned away. This year over 240 could not get admission and many knowing their fate, went to High Schools outside Durban. The Girls High School is barely able to cope with applicants. The Department has delayed too long with the erection of the Secondary school at Clairwood and it is our urgent demand that the proposed High School be erected immediately.

#### CONGRESS HIGH SCHOOL:

For the past six years, Mr. M. B. Naidoo, the Honorary Principal, with the assistance of Mr. N. R. Pillay, and a hard worked staff, have kept the Congress High School functioning at a satisfactorily high level. Of the 58 students who wrote the Natal Junior Certificate Examination 37 were successful - a pass of 64%. This year another 150 students have enrolled in the standard seven classes and with the 50 J.C. students, the enrolment at Congress High School is 200.

UNIVERSITY EDUCATION:

The trend in the country's higher education towards separation and the Nationalists attempts to enforce the exclusion of non-European from the "white" universities is to be condemned. Those student bodies which demand no discrimination in these institutions must be given full support to rally the countrys opinion against this unhealthy and unjust policy of the Government of the day.

BANTU EDUCATION ACT:

The Governments sinister attempt to deny normal education to the African people and their usurping of the control of African education is nothing else but to oppress the African people in this country. This Act is their weapon to relegate the Africans into perpetual slavery as Christian National Education is their weapon to regiment white thinking. The danger of this measure is overwhelming and must be fought.

OUR TASK:

We must continue our efforts to expose the weaknesses and neglect in the field of education. We must mobilise our people for the objective of free and compulsory education and must link up this campaign with the demand for the franchise, for without the vote we cannot hope to get justice and fairplay in the requirements of our children for full education. At the same time it is our duty in every Branch to take energetic steps to pinpoint the needs of our people and bring pressure on the Authorities for their implementation. We cannot isolate ourselves from the day to day difficulties of our people in the educational field.

Whilst we are co-operating and working with the Indian Education Committee in a united front on this common problem, Congress must continue to make its demands wherever and whenever the need arises, without let or hindrance.

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III. REPORT ON THE HOUSING  
AND AMENITIES COMMITTEE.

INTRODUCTION:

The year under review has seen further attacks against the rights, privileges and amenities of the Indian people in this province! "British" Natal has not lagged behind the other provinces in its eagerness to apply the policy of Apartheid, which means that the best should be reserved for Europeans and the worst grudgingly given to Non-Europeans. As long as the colour-bar remains and Non-Europeans have no say in local, provincial and Central governments, so long the policy of oppression will be applied against the Non-Europeans. "Separate facilities" mean no facilities at all for Non-Europeans. The legislation enacted at the last session of Parliament has legalised the practice of local authorities to provide separate and unequal facilities for Europeans and non-Europeans. All authorities now can with impunity ignore the "less breed", - the Non-Europeans when the question of provision of amenities is concerned.

The housing problem of the Indian community remains as grave as ever. Very little has been done during the year either by local authorities or by the Housing Commission to improve the housing of Indians. In addition, generally the Group Areas Act has brought almost all housing development to a stand still. It seems that with the implementation of the Act the housing situation is likely to become more acute. Large scale housing projects financed by the State are not likely to eventuate in view of the Government's Apartheid policy.

#### GROUP AREAS ACT:

In terms of the decision of the Congress, several objections were lodged with the Land Tenure Board in connection with the proposals to apply the Act to various parts of Natal. Congress representatives appeared before the Board in March, 1953, in Durban and at Westville in July, 1953 and again in August, 1953 to oppose all plans for group areas for both Whites and non-whites.

It is to be regretted that the Natal Indian Organisation acted against the interests of the Indian people by submitting alternative plans and thereby becoming a party to the implementation of the Group Areas Act.

#### DE-CENTRALISATION OF VICTORIA STREET BUS RANK.

The Congress opposed the de-centralisation of the Victoria Street Bus Rank by the City Council and put forward as its demand that the Testing Grounds in Warwick Avenue be converted into a Traffic Centre. In our demands we were supported by all Non-European organisations. The Congress met the City Council thrice and strongly put forward its point of view. Unfortunately the City Council has not heeded the combined opposition of the Non-European people and is going forward with its plans.

#### INCREASE BUS FARE: MUNICIPAL TRANSPORT:

Our General Secretary appeared before the Road Transportation Board to object to the contemplated increase of fares on municipal buses. The Congress argued that with the high cost of living the Non-European workers could not afford to pay increased bus fares. We pointed out to the Board that already a fairly large proportion of the worker's wages taken up by transport expenses. In any event it was very unfair to penalise Non-European workers who are compelled to work long distances away from their homes because of the segregation policy of the authorities. Congress objections were upheld and bus increases was disallowed. However, the matter has gone to appeal.

#### HOUSING:

The plans of the Durban Municipality to build houses for Indians in Merebank has come to a stand-still partly because of financial difficulties and partly because of the Group Areas Act. In the Springfield Area no further houses have been built during the year. Recently the City Council advertised 50 economic houses in the Springfield Area, but we do not know when these houses will be built, though hundreds of applications have been made for these 50 houses.

The Housing Commission is contemplating the building of houses for Indian occupation in the Shall Cross Area, but since the Commission is dependent upon the Government for its funds, we cannot say when these houses will be completed.



SEA-COW LAKE RELIEF FUND:

During the year about 200 families were flooded in the Sea-Cow Lake area and they lost their crops. A fund was established to help these distressed families. The Congress appealed to the Indian people to help the families. The Congress also collected enough funds and goods, with the assistance of Congress Branches, to maintain the 200 families for a week.

HOSPITAL INQUIRY COMMISSION'S REPORT:

The Report of the Commission was published during the year. The Congress welcomed the recommendation of the Commission for the removal of restrictions on grounds of colour. Congress has at all times condemned restrictions based on grounds of colour. Congress holds to the view that Non-European doctors should be appointed to hospitals on the same basis as European doctors. Congress will continue to demand free access to all hospitals and no colour bar in hospitalisation.

NICOL SQUARE.

The traditional gathering place of Non-Europeans known as the Red Square is in danger of being converted into a garage by the City Council. The Congress lodged its objection to the City Council and to the Administrator on this contemplated move.

SPECIAL CONFERENCE ON BUDGET.

The Congress and the African National Congress convened a joint Conference on Sunday, 30th August, 1953, of all organisations and Congress branches to protest against the Budget which would bring an extra burden on the people. A very successful and well represented conference was held at the Gandhi Hall, Lorne Street, Durban. Other matters which were discussed at the Conference were:

- (1) The de-centralisation of the Victoria Street Bus Rank, and
- (2) The Native Labour (Settlement of Disputes Bill).

RESIDENTIAL BUILDING PERMITS AT CLAIRWOOD:

Congress lodged a strong protest with the City Council in connection with the restrictions it was imposing on the building of Indian houses in Clairwood. The City Council under its industrial zoning plan was restricting the building of houses in various parts of Clairwood. The Congress took strong exception to this as Clairwood. The Congress took strong exception to this as Clairwood was largely a residential area and it was adversely affecting a large number of Indians who were contemplating building houses.

BROADCAST IN INDIAN LANGUAGES.

The Congress requested the South African Broadcasting Corporation to provide daily broadcast in Indian languages over the Durban Station. The S. A. B. C. rejected the request on the grounds that "the Corporation cannot consider undertaking regular

broadcasts in any but the two official languages of the Union. The only exception to this rule is a limited number of broadcasts in certain native languages indigenous to the Union."

#### DURBAN BEACH:

The City Council is again contemplating the removal of Non-Europeans from beaches which they occupy at present on the grounds that the Non-European beaches are retarding the development of areas along the Snell Parade. The development in this direction will have to be carefully watched otherwise the City Council is likely to shunt the Non-Europeans to some most unsuitable beach.

#### IV. ORGANISATION.

##### MEMBERSHIP:

During the year under review, the following Branches of Congress have reported that new members have been recruited:

|             |   |      |
|-------------|---|------|
| 1. Overport | - | 78.  |
| 2. Sydenham | - | 67.  |
| 3. Merebank | - | 225. |
| 4. Mayville | - | 24.  |
| 5. Bellair  | - | 36.  |

Although on paper Congress has a membership of 35,000, serious consideration should be given to the important question of activating this membership. Problems have arisen during Annual Meetings held recently that show that unless Branches become live and have an active membership taking up the problems of the area from day to day, there will always be the danger of apathy setting in, which would result in serious detriment to the confidence the people have in Congress.

In Durban and suburbs there is always the problem of Branches leaving matters to the Provincial Headquarters and the Executive to tackle, thereby creating the position of inactivity in their respective branches. Such situations could easily give rise to a position where the local leaders of Congress are cut away from the people in their area. It is the task of all Branches and their officials to eliminate this dangerous tendency, and it is imperative that after Conference they must get cracking with the task of making known the decisions and resolutions of Conference to as wide a section of the people in their area as possible with a view to mobilising their support for the policy and programme of Congress.

##### BRANCHES:

At the last Conference of Congress sixteen branches were represented by a total of eighty eight delegates out of a possible number of 169 delegates.

The Sea-View-Bellair and Glencoe Branches which sent representatives to the last Conference have been inactive during this year under review and both branches have made no attempt to hold their Annual General meetings to enable them to send delegates to this Conference.

The Organising Secretary made several attempts to get the Officials of the Sea-View-Bellair Branch to call a meeting of their Committee in order to get this Branch active again. Unfortunately, all attempts failed. However, a senior member of this Branch Committee did succeed in recruiting 36 new members into Congress and a meeting of the Branch Committee was called at which it was decided to hold the Annual General meeting soon after Conference.

We regret to report that the future of the Glencoe Branch is not so encouraging. Our Organising Secretary visited this area and spent several days mobilising support for Congress policy in regard to the Group Areas Act. In this task he tried to get the assistance of the Chairman and the Secretary of the Branch, but without success.

This Branch has not functioned and efforts will have to be made in the ensuing year to start the work of building an active Branch in this area from rock bottom.

During the year under review two other branches that had not sent any representatives to the last Conference were activated. Both these Branches are represented at this Conference. They are the Clare-Estate and Verulam Branches.

#### EXECUTIVE COMMITTEE:

The Executive Committee met regularly, on the average of about one meeting a month. In between these meetings the Secretariat functioned regularly and met almost weekly. Early in September 1953, two members of the Executive Committee Messrs S.V. Reddy and C. I. Amra were served with banning orders under the Suppression of Communism Act by the Minister of Justice requiring them among other things to resign from Congress.

Our President, Dr. G. M. Naicker, was in May last year, banned from attending gatherings to which the public have access, under the Riotous Assemblies and Criminal Law Amendment Acts, and was prohibited from being in several towns and districts in Natal and South Africa.

Naturally, these bannings, had an effect on the work of the Executive Committee and the Secretariat. Three of our most active men were incapacitated from contributing their full share in the work of Congress.

There were also a few resignations from the Executive Committee during the year, including Messrs A. I. Meer and A. C. Meer. The main reason for their resignations was, as stated by them, the Congress decision and policy on the issue of the future of the Congress properties. Vacancies created by Mrs Radh! Singh and A. C. Meer were filled by the Working Committee with the election of Messrs R. Rajkumar and R. G. Pillay.

The attendance at Executive meetings was satisfactory.

WORKING COMMITTEE:

The Working Committee met four times during last year. The attendance at these meetings was disappointing and one meeting had to be adjourned because of the lack of a quorum. The meeting of the Working Committee is an important forum for the exchange of views of delegates from different Branches and for the hammering out of the programme of Congress and it is hoped that Branches will see to it that they are fully and regularly represented at these meetings to make their maximum contribution in the work of Congress.

REGIONAL CONFERENCES:

During the year under review two regional Conferences were held.

- (1) Durban Regional Conference: A Regional Conference on the increase in the Cost of Living and the Decentralisation of the Durban non-European bus terminal was held on the 16th August, 1953.

Two Hundred and Two delegates representing 86,768 people were present at this Conference. These representatives came from Congress Branches, factories, Social, Sporting, Cultural and other organisations.

- (2) Sydenham: A Conference of all social, political and other organisations in the Sydenham-Overport area was held during the year on the question of the decentralisation of the Victoria Street Bus Rank.

MASS MEETINGS:

During the period under review only two Mass Meetings were organised in the Central area by the Executive. The reason why more meetings could not be organised was because of the difficulty in getting suitable meeting places and the attitude of the Durban City Council. The City Council, it seems, has made up its mind to refuse permission for meetings of Congress.

It might be necessary to take this matter to court and the incoming Executive Committee must give this matter its fullest consideration.

Several meetings were held by Branches in their areas during the year.

BULLETIN:

Bulletins (NIC NEWS) were issued dealing with various organisational matters. Apart from these Bulletins a short series of cyclostyled lectures on subjects such as "How South Africa is Governed", "The Struggle of the Non-European People", "Economics and Politics" etc, were issued to those Branches that had organised classes in their areas.

TRADE UNIONS:

The last Conference of the Natal Indian Congress passed the following resolution in connection with Trade Unions:-

"Conference directs the incoming Executive Committee to give serious consideration to the strengthening, assisting and building of non-European Trade Unions in Natal."

In terms of this resolution the Organising Sub-Committee of the Natal Indian Congress established a special Committee known as the Trade Union Organising Committee comprising of Congressmen from both the Natal Indian Congress and the African National Congress, and this Committee has been of assistance to the workers in the Trade Union field.

LITERATURE:

Pamphlets were published by Congress on these two subjects:-

- (1) The Road to Higher Wages, Better Conditions and Freedom, which called on workers to join their Trade Unions and to strengthen Congress.
- (2) "South Africa's Slave Law", which explained the dangers inherent in the Native Labour (Settlement of Disputes) Act."

V. GENERAL.CONGRESS PROPERTIES:

The different organs of Congress have dealt with the question of the Congress Properties and their future since the last Conference. The Executive feels that this matter deserves special attention of Conference and hence a separate report will be submitted on this question to be discussed as a special item on the Agenda.

PRESS STATEMENTS:

During the year the Publicity Committee of the Congress issued 64 statements to the Press making known Congress policy on vital issues affecting the life of our people in Natal.

The Congress as a national organisation of our people in this Province, is of necessity called upon to attend to the day to day activities of the Indian community. Much time and energy was spent by Congress officials in serving the people in these fields.

The year that is ahead of us is a year in which we must make concerted efforts to improve the work of Congress in all fields and particularly in the field of organisation. Delegates must return to their Branches determined that they will make their Branches the real and true mouthpiece of the people.

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NATAL INDIAN CONGRESS  
(Founded by Mahatma Gandhi in 1894)

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AMENDED CONSTITUTION

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As amended at the SIXTH PROVINCIAL CONFERENCE, 1953.

1. NAME.

The organisation herein constituted shall be known as the Natal Indian Congress (founded by Mahatma Gandhi in 1894) and shall hereinafter be referred to as the Congress.

2. HEADQUARTERS.

The Headquarters of the Congress shall be at Durban, or at such other place in the Province of Natal as Conference may decide from time to time.

3. OBJECTS.

- (a) To promote and advance the cause of the Indian people resident in the province of Natal; to improve their condition and status economically, politically and socially by the adoption of all necessary means to remove and oppose measures that discriminate on the grounds of race, colour or creed.
- (b) To guard vigilantly against any encroachment upon existing rights and privileges.
- (c) To work for and to foster co-operation with the nationally representative organisations of the peoples of South Africa on matters of common interest.
- (d) To affiliate with the South African Indian Congress.
- (e) To promote peace, understanding and goodwill between the various sections and races of the population of South Africa.
- (f) To further educational facilities for the Indian community and to work for the removal of discrimination in the field of education.
- (g) To work for the improvement of the condition of Indian farmers, especially peasant farmers.
- (h) To further the interests of those who depend on wage or salary for their livelihood.
- (i) To work for and secure better trading, commercial, professional and industrial facilities.
- (j) To work for the extension to Indians of the franchise on the common roll free from any special qualification.
- (k) To work for the removal of existing prohibitions against Indians joining armed units in the Defence Force.
- (l) To work for the removal of the Provincial Barriers.
- (m) To work for improved social and health services for the indigent and needy and for the community generally.
- (n) To help the poor and needy members of the community and to alleviate suffering and hardship of all kinds within such community.
- (o) To assist unemployed Indians in securing employment and relief.
- (p) To assist in the procuring and extension of civic amenities to all areas where Indians are resident.

- (q) Generally to perform all such acts as are incidental to the aforesaid objects.

#### 4. CONSTITUTION.

The Congress shall consist of:

- (a) Members;
- (b) Branches;
- (c) Provincial Conference;
- (d) Working Committee;
- (e) Executive Committee.

#### 5. MEMBERSHIP.

Any Indian of not less than eighteen (18) years of age and resident in the Province of Natal may become a member of the Congress on payment of an enrolment fee of 1/-, which shall entitle a member to all the rights and privileges of Congress.

#### 6. BRANCHES.

Where there are fifty (50) or more members ordinarily resident in any area, the Executive Committee may on its own initiative or on a request from twenty-five (25) or more of such members, proceed with the formation of a Branch for such an area, subject to the following rules and conditions;

provided that the Executive Committee shall have power to dissolve any Branch should its membership fall below twenty-five (25) members, notification of such intentions shall be forwarded to the Branch concerned.

- (a) The Executive Committee appointed by the Conference shall delimit the area of jurisdiction of a Branch.
- (b) All members ordinarily resident in such area shall be regarded as members of the Branch.
- (c) A member shall not belong to more than one Branch.
- (d) A Branch shall hold regular meetings of its Committee not less than once every two months and such Branch Committee shall appoint an Executive Committee of not less than five members which shall meet at least once in between Branch Committee meetings.
- (e) A Branch shall hold regular meetings of its members at such times and places as the Branch Committee may decide, but not less than once annually. In the event of the Branch Committee failing to convene the Annual General Meeting the Branch Secretary Secretaries shall convene a Branch members meeting without reference to his/her/their Committee upon receipt of a requisition signed by at least 100 members or 1/10th of the Branch membership whichever is the lesser provided that there shall be not less than 25 signatures to the requisition and provided further that the requisition shall state the purpose of the meeting.
- (f) The Branch shall elect at its Annual General Meeting, consisting of all members present whose names appear on the Branch register as members enrolled at least twenty-one (21) days prior to the Annual General Meeting, a Branch Committee consisting of a Chairman, not more than five (5) Vice-Chairmans, one or two Joint Secretaries, an Honorary Treasurer and eleven (11) other members provided that the Executive may authorise Branches to increase its Committee members. Such election shall be either by ballot or show of hands as the meeting may decide.
- (g) A Branch shall have power to do any act within its area of jurisdiction in furtherance of the objects of Congress provided that such act is not inconsistent with these rules

and subject always to the over-riding authority of the Provincial organs of Congress as constituted by these Rules, or the decisions and resolutions of the Provincial Conference.

- (h) A Branch may collect funds and accept donations for any stated purpose only within its area of jurisdiction. The Executive Committee shall have power to authorise any Branch to collect funds or accept donations outside its area of jurisdiction.
- (i) If so requested by the Working Committee or the Executive Committee a Branch shall collect funds within its area of jurisdiction on behalf of Congress for any particular object designated in the request.
- (j) A Branch shall keep a detailed register of the names and addresses of all its members, minutes of the proceedings of all Branch and Branch Committee meetings, proper account books and copies of all correspondence despatched and originals of those received and copies of all such documents and records shall be furnished to the General Secretary of Congress as the Executive Committee may require.
- (k) Annual General Meeting of each Branch shall be held for the purpose stated in Rule 6 (1).
- (l) Notices convening the Branch Annual General Meeting shall be transmitted by the Branch Secretary/Jt. Secretaries to all members by ordinary post or by advertisement in a newspaper circulating in the area or by the distribution of hand bills in such area and the General Secretary at Headquarters by registered post not less than 21 days prior to the date appointed for the holding of such meeting.
- (m) Notices convening Branch General Meetings shall be transmitted by the Branch Secretary/Joint Secretaries not less than 14 days prior to the date appointed for the holding of such a meeting.
- (n) Notices convening Branch Special General Meetings shall be transmitted by the Branch Sec/ Jt. Secretaries not less than 7 days prior to the date appointed for the holding of such a meeting.
- (o) Notices convening Branch Committee Meetings shall be transmitted by the Branch Secretary/Joint Secretaries not less than 7 days prior to the date appointed for the holding of such a meeting. At least 3 days' notice shall be given in the case of Branch Special Committee meetings.
- (p) The Agenda for the Branch Annual General Meeting shall include:
  - 1. Minutes of the Branch Inaugural Meeting or of the previous Annual General Meeting.
  - 2. Annual Report.
  - 3. Audited Statement of Income and Expenditure and Balance Sheet by the Hon. Treasurer.
  - 4. Branch elections as provided for in Rule 6 (f).
- (q) Any Branch General Meeting or Special General Meeting called for the purpose may by adopting a motion of no confidence by a simple majority:
  - 1. Dismiss from their positions any or all officials and/or Committee members.
  - 2. Recall any or all delegates to Provincial Conferences or representatives to Working Committee.Such motion of no confidence may be tabled with 7 days' notice being given and shall have precedence over any other matters that may be the subject of discussion. Thereafter such meetings shall proceed to fill the vacancies thus created.
- (r) Vacancies occurring in a Branch Committee or for Branch Officials by reason of death or resignation or some cause



- other than provided for in Rule 6 (q) may be filled by the Branch Committee.
- (e) Each Branch shall pay an annual subscription of One Pound and One Shilling (£1.1.0.) for the first five hundred (500) members or part thereof and five shillings (5/-) for each additional one hundred (100) members or part thereof to Congress Funds. Such payment shall be made before the date on which the Joint Honorary Treasurers close their books in order to present their annual audited statement of account to the Working Committee and each Branch shall be entitled to a levy from its members of a minimum of 1/- per annum.
- (t) All property acquired by a Branch shall be regarded as having been acquired on behalf of Congress.
- (u) Any member of a Branch shall be entitled to inspect all books, records, or correspondence, pertaining to the affairs of the Branch, provided three days' notice is given in writing.
- (v) A Branch shall be designated as follows:  
"Natal Indian Congress (founded by Mahatma Gandhi in 1894) (followed by the insertion of the name of the area of jurisdiction) Branch."
- (w) Where more than one branch within the same Municipal or Local Authority area has to negotiate on any matter whatsoever with such Municipality or Local Authority or for any other reason whatever wishes to take any action, the Committees of all branches within such area shall subject to the approval of the Executive Committee, meet and appoint a President, Secretary and committee consisting of an agreed number. Such committee shall be designated the Congress (name of such municipality or local authority) District Committee and shall have power to act for all branches in such area on matters as herein mentioned.

7. PROVINCIAL CONFERENCE.

- (a) There shall be a Provincial Conference which shall be the supreme authority in Congress.
- (b) The Provincial Conference shall consist of:
  - (i) Officials and Executive Committee as provided hereinafter in clauses (15) and (16), and
  - (ii) Delegates from Branches elected by the members thereof as hereinafter provided.
- (c) Each Branch shall be entitled to send to the Provincial Conference one delegate for each one hundred (100) members or part thereof with a minimum of three (3) delegates.
- (d) The delegates shall be elected by the Branch concerned at a properly constituted Annual General Meeting thereof. If in an event due to any reason the Annual General Meeting of a Branch has not been held or if the Annual General Meeting did not elect a sufficient number of delegates, the Branch Committee may elect delegates, provided that the Provincial Executive Committee is satisfied that bona fide attempts have been made to hold the Annual General Meeting prior to the Conference.
- (e) In the event of a vacancy being created by any delegate's death, resignation, recall or inability to continue in office for any other reason or should an increase in membership warrant an increased delegation, such vacancy shall be filled or such extra delegates be elected at a Branch Special General/ or Committee Meeting called for the purpose.

- (f) Delegates who have been elected as officials and Executive Committee members at Conference shall be replaced in their respective Branches, by the election of additional delegates at their respective Branch Special General or Committee meeting called for the purpose.

8. PROVINCIAL CONFERENCE MEETINGS.

- (a) The Annual Provincial Conference hereinafter referred to as the Conference shall meet annually, at which Conference the date and centre for the next Conference shall be decided.
- (b) Special Provincial Conference meetings hereinafter referred to as Special Conference meetings shall be held as provided for hereinafter.
- (c) Notices convening meetings of the Annual Conference shall be transmitted by the Secretary to the branches not less than six (6) weeks prior to the date appointed for the holding of such Conference.
- (d) Notices convening a Special Conference shall be transmitted by the General Secretary to the Branches not less than fifteen (15) days prior to the date appointed for the holding of such Conference.
- (e) Pursuant to sub-section (a) details of time, place and agenda for the Conference shall ordinarily be decided upon by the Executive Committee, failing which the General Secretary shall decide. These details shall be transmitted to all delegates, whose names and addresses have been received by the General Secretary seven (7) days prior to the date appointed for the holding of Conference.
- (f) In the event of the General Secretary failing to convene Conference in accordance with sub-sections (c) and (e) either any Branch, or Branches, individually or jointly, providing it/ they represent not less than one-tenth of Congress membership or any five or more Branches jointly, may call upon the General Secretary to do so within thirty (30) days of such request, failing which such Branch or Branches jointly, shall fix the time, place and agenda for the Conference, issue notices to all branches for transmission to their delegates, take possession of all Congress monies, records and other properties and do all necessary things for the successful holding of the Conference. The Officials and Executive Committee shall upon the above action by the Branch or Branches cease to continue in office, the defaulting officials, if any, and/or members of the Executive Committee shall be dealt with at the discretion of Conference. Until such time as the Conference is held, the officials and committee of such branch, or branches jointly, shall exercise the powers and perform the functions ordinarily resident in and performed by the officials and Executive Committee of Congress. They shall appoint from among their own number an Acting President, one Acting General Secretary and one Acting Treasurer until such time as the Conference elects its own officials.
- (g) Special Conferences shall be held at the discretion of the Executive Committee or the Working Committee, provided that the General Secretary shall be empowered to convene a Special Conference without recourse to the Executive Committee or the Working Committee if requested to do so by not less than five Branches individually or jointly. All other provisions herein for the convening and conduct of Conference shall apply, mutatis mutandis, to the convening and conduct of Special Conferences.
- (h) Branches requesting that a Special Conference be convened shall state clearly in such request the purpose for which such Conference is desired and shall forward to the General Secretary a copy of the minutes and resolution of the Branch General or Committee meeting requesting such special Conference.

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9. POWERS AND FUNCTIONS OF PROVINCIAL CONFERENCE.

- (a) The Provincial Conference shall be the highest authority in Congress, formulating its policy and directing its affairs.
- (b) The functions of meetings of the Annual Conference shall be to transact the following business:
  - (1) To receive Presidential Address approved by the Executive Committee and presented by the President.
  - (2) To confirm appointment of Sub-Committees.
  - (3) To receive annual report of activities by the General Secretary.
  - (4) To receive Report of Credentials Committee.
  - (5) To adopt, discuss and take decisions on matters contained in the General Secretary's Annual Report of activities provided such matters do not appear in the order paper as proposed resolutions.
  - (6) To receive, discuss, adopt and take decisions on Treasurer's audited statement of Income and Expenditure and Balance Sheet.
  - (7) To debate and decide on resolutions and proposed amendments.
  - (8) To elect officials.
  - (9) To elect 11 (eleven) Executive Committee members.
- (c) Special meetings of the Provincial Conference shall have power to:
  - (1) Discuss and take decisions on matters contained in the notice convening such Conference.
  - (2) Take decisions, conflicting in part or whole, with decisions of previous meetings of the annual or Special Conference only upon a two-thirds (2/3rds) Majority vote of delegates present and voting.
  - (3) Dismiss from their positions any or all members of the Executive Committee and/or any or all officials by adopting a motion of no confidence duly moved and seconded in such Executive Committee members and/or Officials by a simple majority and replace these officials and/or Executive Committee members by holding an election by secret ballot immediately after the passing of the motion of no confidence. At least seven clear days' written notice shall, however, be given of such motion.
- (d) Save as provided in Rule 9 (c) and Rule 32 all motions at Provincial Conference shall be decided upon by a majority of votes.

10. QUORUM FOR CONFERENCE.

The quorum for a meeting of Conference or Special Conference shall be one-fifth (1/5th) of the number of delegates entitled to be present at such meeting provided that at least one-third (1/3rd) Branches are represented at such Conference or Special Conference.

11. MINUTES OF CONFERENCE MEETINGS.

Minutes of proceedings of all meetings of Conference shall be recorded and circulated to all Branch Secretaries by the General Secretary not more than thirty (30) days after the termination of each Conference. Any Branch which participated in such Conference may lodge its objections to the minutes within twenty-one days of

same. In the event of no objections being received by the General Secretary within the period hereinbefore stipulated, such minutes without alteration shall be approved and signed by the President and General Secretary at the next meeting of the Working Committee as a correct and full record of the proceedings of such Conference.

If any objections have been received from any Branch after it had discussed the Minutes at a Joint Meeting of the Branch Committee and Branch delegates, who had participated at such Conference, then the General Secretary shall submit the said objections to the next meeting of the Working Committee which shall consider the said objections and resolve the dispute in accordance with the majority opinion of those present at the said meeting of the Working Committee. The minutes shall then be approved and signed by the President, & General Secretary as a correct and full record of the proceedings of such Conference.

## 12. WORKING COMMITTEE.

(a) There shall be a Working Committee consisting of:

- (1) Officials.
- (2) Executive Committee.
- (3) Two Delegates for the first 300 members or part thereof and one additional delegate for every 300 members or portion thereof.

(b) The Working Committee shall meet at least once every three months at a time and place that shall be decided upon by the Executive Committee.

(c) Notices convening meetings of the Working Committee shall be circulated to members not less than fifteen (15) days prior to the date appointed for such meeting.

(d) Such notices shall set out in full the matters to be discussed and decided upon by the Working Committee. The Chairman shall not allow discussion or decision on any matter not contained in the notice convening the meeting except by resolution duly moved and put without debate, two-thirds (2/3rds) of the members present voting in favour.

(e) Between Meetings of the Conference, the Working Committee shall exercise the powers and functions of Congress and assume the direction of its affairs, subject always to such directions as the Provincial Conference may have given and subject to the right of the Provincial Conference to over-rule any decision or act of the Working Committee. It shall not depart from the general policy of Congress as decided upon by a Provincial Conference, though it may recommend the adoption of the same or a new policy to a later Provincial Conference.

(f) Any notice of motion or resolution submitted by any official, Executive or Working Committee member or branch shall be placed on the agenda and shall be discussed at a meeting of the Working Committee and decision arrived at, provided such notice is given not less than 10 days before the Working Committee meeting.

## 13. \*PARTIES WITHIN CONGRESS.

(a) Members who so desire may function as a party within Congress, provided they notify the General Secretary in writing of the formation and existence of such a party, and furnish full particulars to the General Secretary.

(b) Each Party within Congress shall be designated the "Congress (name as chosen by the members of the Party) Party."

(c) No such party shall fail to accept Congress constitution, or flout a decision or resolution of Congress Conference or work against the general policy of Congress.

(d) The Working Committee may suspend or disallow any such Party functioning within Congress, if in the opinion of the Working Committee such a party has failed to satisfy the requirements of Rule 13c.

14. ELECTION OF OFFICIALS AND EXECUTIVE COMMITTEE.

The officials and Executive Committee shall be elected by secret ballot at Conference.

15. EXECUTIVE COMMITTEE.

(a) There shall be an Executive Committee which shall consist of the President, the General Secretary, the Honorary Treasurers, Vice-Presidents and eleven (11) other members elected by Conference.

(b) The administrative and executive powers of Congress and such other powers as may be delegated by the Working Committee or conferred by these Rules shall be vested in the Executive Committee.

(c) Any vacancies (except as provided for in Rule 9 (c)(3) occurring on the Executive Committee shall be filled by the Working Committee at its next succeeding meeting.

(d) The Executive Committee shall meet at least once a month.

(e) The Executive Committee shall elect from among its number a Secretariat of seven members who shall meet at least fortnightly and which shall attend to all such matters as may be referred to it by the Executive Committee to which Committee the Secretariat shall report regularly and which Committee shall be wholly responsible.

16. OFFICIALS.

The officials of Congress shall be:

- (a) One (1) President;
- (b) Ten (10) Vice-Presidents;
- (c) One (1) General Secretary;
- (d) Two (2) Joint Honorary Treasurers.

17. MINUTES OF MEETINGS OF COMMITTEES.

Minutes of all meetings of the Working and Executive Committees shall be recorded by the General Secretary and copies shall be circulated to all members of the Committee concerned and to the Branches. Such minutes shall be presented to the next succeeding meeting of the Committee concerned and when approved shall be signed by the President and the General Secretary.

18. FUNCTIONS AND DUTIES OF GENERAL SECRETARY.

(a) The General Secretary shall "ex officio" be Secretary of the Conference, Working Committee and the Executive Committee.

(b) The General Secretary shall keep separate Minute Books for the proceedings of Conferences, the Working Committee and the Executive Committee respectively in which shall be recorded the minutes of the meetings thereof.

(c) The General Secretary shall be responsible for the custody of all records and correspondence, the property of Congress (save for provisions of Section 25 thereof) and shall generally do all such acts as provided herein and things as ordinarily fall within the scope of secretarial duties.

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**RECORDS RELATING TO THE 'TREASON TRIAL' (REGINA vs F. ADAMS AND OTHERS ON CHARGE OF HIGH TREASON, ETC.), 1956 1961**

**TREASON TRIAL, 1956 1961**

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