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9/10/34.

**EXEMPTION FROM  
PASS LAWS**

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**LARGE NUMBER OF  
APPLICATIONS**

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**NATIVES URGED TO BE  
PATIENT**

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Modifications of the Pass Laws, whereby approved natives obtained exemption from the obligation to carry a pass, came into force on October 1. The automatic exemptions applied only to official classes, such as native policemen, clerks, interpreters, agricultural demonstrators and others specified in the regulations gazetted on August 17.

The Native Affairs Department anticipates many applications for exemptions from natives who consider that they fall under a general clause by which any native of good character and repute may be exempted by the Minister on the recommendation of the native commissioner.

**SOME DELAY INEVITABLE.**

Officials in the department state that applicants should not be impatient for their cases to be dealt with, as there may be thousands of such applications, and the officials will not be able to deal with them all immediately. A circular has been sent from the head office of the department explaining the procedure to be followed in carrying out the amended regulations.

It is understood that finger prints may be taken as one means of checking a native's record, in order to ascertain whether or not he is of good character and repute. Education is a factor which will be taken into consideration in assessing a native's character, but it is stated that uneducated natives will not be debarred on that account alone.

**ANOMALIES FOUND.**

One curious effect which the modifications will have will be the enormously increased number of candidates for native advisory boards, as members of these boards are automatically exempted under the new regulations. Considerably more interest in these elections is likely to be displayed in the future than in the past.

Several anomalies have been discovered in the regulations, and officials are now looking for a satisfactory solution. One of these is that an exempted native may not be accompanied by his wife in the streets after the curfew hour, as, although the curfew no longer applies to him, it still applies to his wife, and no provision is made for the exemption of native females from the curfew regulations, nor is any provision made for the issue of a special pass to wives of exempted natives.

The question of the new pass law regulations was discussed at last night's meeting of the Joint Council of Europeans and Natives, and it was decided to watch any developments in connection with the working of the new system.

Daily Mail  
13/9/34.

**PASS LAWS SERVE  
NO  
USEFUL PURPOSE**

**Simpler System  
Would Help Police**

**SINGLE CERTIFICATE  
ENOUGH**

*To the Editor, "Rand Daily Mail."*

Sir,—Surely now is the time for the general public to consider whether the Transvaal Pass Laws are a protection to Europeans against the small minority of criminally inclined natives. I maintain that they are not. In spite of the pass laws, the police have been until to-day unable to trace the murderers in two recent cases, and yet, because we think that pass laws are a protection, we live in false security. I do not wish to suggest that the murderers were necessarily natives.

The report of the Inter-Departmental Committee on Pass Laws, published as long ago as 1920, recommended that an identification certificate should be substituted for the many passes now compulsorily carried by natives in the Transvaal.

I contend that if the identification certificate were instituted, it would help the police very much in controlling crime. In the first place, they would be released from the duty of being obliged to arrest thousands of ignorant or careless natives who are classified as pass law offenders, and could concentrate their whole attention on the protection of life and property and the detection of real crime.

Secondly, the identification certificate, being permanent, could be made of water-marked paper, or, better still, of specially prepared parchment, which would render the forging of it most difficult.

The fact that the Government has lately exempted so many of its employes from the pass laws convinces one that the pass laws are regarded as having outlived their usefulness, whether real or imaginary.

As the Government has set a lead in this matter, surely the private employer should wish to follow suit by saying that he also wishes his employes to be exempted.

NOBLESSE OBLIGE.

Star

20/8/34.

SPES.

### THE NATIVE PASS LAWS

*To the Editor of The Star*

Sir,—The concession of exemption passes to certain natives, announced by the Minister of Native Affairs, is, of course, a great advance in the right direction, and will, I am sure, be greatly appreciated by those who come under the new provision.

But the real disability continues, because even the exempted native will have to carry his exemption pass or certificate, and will be liable, just as before, to be held up by any policeman who may wish to examine his papers. The inconvenience and indignity of the whole degrading pass system remains untouched, the only difference being that the native who is exempted will carry one paper instead of several as he does now.

The thing can be a relief only if the pass laws are repealed altogether, for if the native, exempted or not, is still at the doubtful mercy of an antagonistic police force, the hardship is perpetuated in actual effect.

Why there should be any pass laws is a mystery. In India there are 350,000,000 natives who are dealt with without any pass law at all; and yet the 6,000,000 of blacks in this country are burdened with this iniquitous and debasing system. Why?

PERCY F. TROTTER.

Germiston.

## A BETTER PASS LAW

Information published since the announcement of the increased Pass Law exemptions has shown that the concessions made, however belated, are greatly appreciated by the natives and by Europeans interested in native affairs. The authorities cannot be said to have been hasty or impetuous over gazetting the changes in question, seeing that the promise concerning them was made by the Minister of Native Affairs quite nine months ago. Long previously it was clear that a thorough overhaul of the regulations was necessary. It will seem extraordinary that up to this date there has been no general exclusion of natives who are actually officials, teachers, responsible office-holders in public and other employ, members of official boards and councils, and officials in the Native Affairs and Agricultural Departments. The exemptions to come into force on October 1 will go considerably farther, as large numbers of respectable and law-abiding natives will be eligible for exemption under the general clause admitting "any native of good character and repute who is certified by the native commissioner or the magistrate of the district." There were, of course, previous exemptions of individuals in most of these categories, but the privilege was a very restricted one.

It is perhaps inevitable, in view of European public opinion in this and neighbouring provinces, that the pass system as relating to the rank and file of natives should have been maintained, in spite of the fact that at least two responsible commissions have recommended its abolition in favour of an identification certificate to be retained for life. It may be argued that the necessity for carrying a pass prevents a certain amount of crime and vagrancy. Not only does it, quite obviously, fail in preventing crime, but it also fails in preventing convicted criminals from moving about and concealing their records, which is one of its objects. They are identifiable unless they return to their locations or farms, but once they do so they are able—unless some way of preventing this has been arrived at comparatively recently—to get fresh passes after a lapse of time, and to return to the towns. The nightly "special pass" is of very little value indeed nowadays, and in fact the whole system does not do what was claimed for it. The Rev. Ray Phillips last week declared that "as a protection against criminals the pass is to-day absolutely ineffective. Thousands of natives can write as legibly as Europeans." One of the things it does is to create crime of a minor kind, in the form of providing forged passes; and it probably facilitates serious crime by the fact that passes can be more or less provided to order.

Stal  
21/8/34

The most serious effect of all, of course, is that of the amount of imprisonment imposed on natives who are decent and respectable and very far removed from the criminal classes. Mr. Rheinallt Jones did not over-emphasise this when, in an interview of Saturday, he said that this question, which the new regulations do not touch at all, is actually the main one. The complaint made by many thinking natives that this wholesale process of punishment is undermining the self-respect of their people is thoroughly well grounded, and the position is aggravated by the

fact that in many cases unemployment, which may be due to no fault of the native, is one of the principal causes of passlessness. From every point of view, including that of relieving magistrates and others of a great deal of work that is worse than useless, a complete change in the Pass Laws is necessary and indeed long overdue.

One of the arguments of the advocates of South African union in 1903-09 was the urgent need for uniformity in native policy and administration. Yet after a quarter of a century of union we still find differences and anomalies in the various provinces and no apparent desire on the part of the authorities to get rid of them. Why, for example, should Transvaal employers in certain areas have to pay a pass fee of 2/- per head per month? If it is merely a form of direct taxation and regarded as necessary from a revenue point of view, why is it not generally imposed? As regards the contention that the pass system here is necessary to maintain law and order and in the interests of the natives themselves, we are not aware that conditions in the Transvaal are better than in those portions of South Africa where there are no pass laws or where the system is far less rigorously administered than in this province. Apart from objections to the pass laws and regulations in themselves, there is the undoubted fact that they are too often enforced, especially on the Witwatersrand, in a most unreasonable way, with no discrimination, and with a complete lack of consideration for individual natives, or, when such natives are in employment, for their employers.

# NATIVE PASS

S LAWS 8/12

## PROPOSALS FOR REFORM

### RAND SOCIETY'S SUGGESTIONS

Recommendations that exemptions from the Pass Laws be granted to all natives at present holding letters of exemption under any existing law, to those in possession of a Standard VI. certificate, to registered parliamentary voters and to native women are contained in a memorandum on the simplification of the Pass Laws drawn up by the Johannesburg Joint Council of Europeans and Africans for submission to the Native Affairs Commission.

The memorandum states that evidence to previous Government commissions has shown it to be in the interest of the native to be in possession of a document by means of which he may establish his identity. It would also be of advantage if the form of document were uniform throughout the four Provinces of the Union.

#### REGISTRATION SCHEME

" We therefore recommend that all existing Pass Laws be repealed and a Union measure substituted to be entitled the 'Native Registration Act' and that each male native be registered in his district of domicile at the age of 18 years or earlier if he leaves his home before reaching that age.

" Upon registration the native shall be issued with a certificate to be called an identification certificate, which shall be similar to a passport and shall be printed in both the official languages and at least one Bantu language, the last-named to vary with the district.

" The mere carrying of a pass at present is no guarantee of identity.

" We recommend, therefore, that it shall not be compulsory for a native to carry his identification certificate on his person, but that natives be encouraged to carry their identification certificates at all times, and that a short notice setting out the advantages of such action be printed in a prominent place in the certificate."

It is added that the abolition of the compulsion to carry a large number of documents on his person (as at present) would do away with the present indiscriminate harassing of natives by police officials which is to-day the real grievance against the pass laws. This would be a step towards the promotion of a better relationship between natives and the police.

#### CURFEW REGULATIONS

After advancing arguments in support of its recommendations, the council recommends that all curfew regulations be abolished. The proper provision of accommodation and recreational facilities in locations would replace the attractions offered by the towns in the evenings. In rural areas a system of registering service contracts should be devised to meet special conditions. Provision should be made for the issue of identification certificates to foreign natives who are now permanently resident in the Union.

The council recommends, finally, that women should be exempt from all the provisions of the suggested Act. Any native woman should, however, be entitled to receive an identification certificate should she apply for one.

The Star  
8/12/38

## PASS LAWS TO BE RELAXED

In an interview at Pretoria to-day, the Minister of Native Affairs, Colonel Deneys Reitz, said that the Government had decided, as an experiment, to relax the native pass laws in certain urban areas. He emphasised that this measure would not affect the position in the rural areas.

The native pass laws, and the dissatisfaction created by them among the natives, were dealt with in the Senate by the Minister during the last session of Parliament. He had promised then to investigate the matter, he said, and it had now been decided to ask the police in the cities not to ask natives to produce their passes unless they were thought to have been concerned with an offence.

Native pass laws did not exist in the Cape Province, and more than half of the native population of the Union lived in this Province. "If pass laws are not necessary in the Cape Province, why should they be necessary in the other Provinces?"

### ECONOMIC WASTE

The position at present enabled a constable to demand a native's pass at any time and to arrest him if he failed to produce it. This was apt to cause ill-feeling among the natives. Between 1939 and 1941 297,659 natives had been arrested in terms of the pass laws. They had been imprisoned and had had to appear before magistrates. This caused the Government much expense and unnecessary work for officials—in most cases because a native was unaware of the fact that he had to carry a pass.

"Of what value is it to the police to know whether a native has a pass or not? What information of use to them do they derive from it?"

In the country there would be no change in the present system. The pass laws were only being relaxed as an experiment, and only in the following urban area: Johannesburg and Witwatersrand, Durban, Pretoria, Pietermaritzburg, Bloemfontein and Kimberley.

The curfew system in these cities would, however, continue to be enforced.

Star 12-5-42

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**Collection Number: AD1715**

**SOUTH AFRICAN INSTITUTE OF RACE RELATIONS (SAIRR), 1892-1974**

**PUBLISHER:**

*Collection Funder:- Atlantic Philanthropies Foundation*

*Publisher:- Historical Papers Research Archive*

*Location:- Johannesburg*

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