

thought and speech, movement and organisation. Even the right to protest against all these acts of crude "baasskap" has been hedged in and restricted by successive laws and arbitrary ministerial action to the point where it has almost disappeared.

In line with the policy of apartheid is the infamous Group Areas Act, which purports to provide separate areas for people of different national and racial origins on the grounds that this is necessary to preserve "white civilisation." In fact the law is designed and is being used to deprive non-white people of all their property and to kuaal them in locations which are nothing but dormitories where they can sleep after their day's work for the White employers. The Nationalists will not tolerate non-white people living and working in any capacity other than that of labourers.

These locations are sited without any regard to the conveniences, comforts and aspirations of those who live in them. Thus the non-whites have been driven from the Western Areas of Johannesburg to Meadowlands from Lady Selborne to the wasteland of Vlakfontein. Thus the proposed Group Areas for Indians in scores of platteland villages suggest locations far away from the life of the dorp, in the bare veld.

Group Areas Act.

After the Nationalist Party came into power the appointment of the two Committees in respect of Transvaal and Natal was announced in a Government notice dated 26th November, 1946. The Committees were known as the Asiatic Land Tenure Amendment Committee and the Land Tenure Act Amendments Committee.

In the report tabled by these committees to Dr. Donges, Minister of the Interior, inter alia, it stated:-

"The general tenor of the evidence submitted to your Committees was overwhelmingly in favour of compulsory segregation of the racial groups, that is, Europeans, Natives, Asiatics and Coloured persons, as regard the ownership and occupation affixed property and as regards trade and industry. Your Committees felt that there would be no justification for not accepting this evidence and they accordingly accepted it and it came to the conclusion that the Asiatic Land Tenure Act of 1946 (Act Non. 28 of 1946) should be replaced by a more comprehensive measure introducing compulsory segregation of the racial groups. At the same time your Committees realised that this is a very far-reaching conclusion and one which may evoke strong opposition, particularly on the part of the Asiatics. In view of this fact it was considered advisable to ascertain what was the nature of the evidence which has in the past been tendered to Commissions which enquired into the Asiatic question and what were the remedies proposed. More particularly, the object was to ascertain the European public opinion on the general question and to see whether it was at all in conformity with the

evidence tendered/.....

evidence tendered to your Committees and, if so, to see if there was a consistent and enduring body of public opinion on the question of compulsory segregation. This investigation has brought to light some obscure and unknown facts and has satisfied your Committees that the evidence tendered to them is amply supported by similar evidence both in Natal and the Transvaal almost ever since the Asiatic problem arose. It is accordingly proposed to give a summary of this evidence before dealing with the evidence submitted to the two Committees."

"Before stating our recommendations we feel that reference should be made to one matter which, strictly speaking falls outside our terms of reference but which is so closely associated in the public mind with the Asiatic question that it has a determining influence on the evidence tendered to us and accordingly also on recommendations based on such evidence, and that is the possibility of repatriating the Asiatic from South Africa. There appears to be an ever-growing belief in the public mind that the only satisfactory solution of the Asiatic question is repatriation, and whatever is done by way of legislation should be such as not to endanger the possibility of repatriation and deprive the public of its most deeply cherished hopes.

"The fundamental theme of the evidence throughout the years has been and still is "repatriation or, failing which, compulsory segregation." In the most recent evidence there is noticeable a distinct tendency for this theme to assume the form of: repatriation and, pending which, compulsory segregation. In its most advanced form this theme reads: repatriation and, failing which, compulsory segregation with boycott to induce repatriation.

"The recommendations which we propose to make are such that legislation based on them would, on the one hand, not unduly endanger the possibility of repatriation, and, on the other hand, not fall short of what we regard as necessary to deal effectively with the present situation."

From the above extracts of the report of findings of these Commissions it is clear that the Committees were violently biased. It was on such a basis that the Group Areas Act was introduced in Parliament in 1950. During the debate it was said that the Act was the kernel of Apartheid.

This Group Areas Act places the ten million non-whites at the mercy of the Nationalist Government and may up-root entire communities from any place they may have inhabited from time immemorial and transport them anywhere else.

Section 24 of the Act established a board known as the Land Tenure Advisory Board and subsequently changed to the Group Areas Board. The function of this Board is to enquire into the desirability or otherwise of establishing Group

Areas/.....

Areas. The procedure laid down in Section 27 (2) of the Act says:

"Before advising the Minister as to any proclamation setting aside of Group Areas the Board shall publish in a newspaper the matter under investigation and invite interested persons to lodge with the Board any representations in regard to the areas advertised."

In terms of the decision of the South African Indian Congress, the provincial Congresses made representations at the meetings of the Board to oppose and expose the Act. Evidence submitted to the Board disclosed the true aims of Apartheid. All plans for segregation particularly those affecting the Indian community showed a callous desire on the part of the upholders of apartheid to rob the Indians of their property and business rights acquired by them over a period of years. In the Transvaal about thirteen sittings have taken place. In all cases the plans involved uprooting of the settled Indian population and the destruction of their means of livelihood.

On the 7th May, 1952, Lydenburg became the first place to test the provisions of the Group Areas Act. The Land Tenure Advisory Board postponed sine die the hearing to consider a Town Council plan to remove Indians three miles out of town. The expected three-day session came to a sudden halt. This was due to the fact that certain objectors opposing the scheme exposed the intention of the town Council in setting aside an area three miles out of town. It appeared crudely obvious that the true motive behind the municipality's whole scheme was to supplant the Indian traders by Europeans, to deprive them of their livelihood and to uproot them from the town. Counsel appearing for the Municipality said:

"There was general feeling that Indians have penetrated deeply into business and they would now be well advised to concern themselves less with business and more with other trade."

In 1954 the Lydenburg Council made a second attempt to apply the Act to remove Indians from business and residential premises in the town. Two alternative proposals were submitted by their Counsel for the consideration of the Board. We of the Congress succeeded in frustrating the efforts of the Counsel by utilising a circumstance which suggested a potential prejudice on the part of the Board. It consisted of erf 131 a portion of land occupied by an Indian but owned by an European. Prior to the then current sitting of the Board, a European Company intending to purchase erf 131 applied to the Board for a permit to occupy this particular portion. This application was granted and a permit to occupy was issued.

An application was made to the Chairman of the Board by Counsel appearing for the Transvaal Indian Congress that the members of the Board should recuse themselves if they were also members of the Board which issued the permit referred to above, on the ground that the issuing of the permit had prejudged the decision of the Group Areas Board sitting in Lydenburg, or that some members of the Board did not want to include the erf in question in the Group Area for Indians and this fact would colour their attitude at the hearing and

influence any recommendations they made to the Minister. This application was refused. Attempts to obtain the names of the Board members who had recommended the issue of the permit referred to above were unsuccessful. As a result of this attitude of the Board the matter was referred to the Supreme Court where the decision went against us. The significance of this is not whether we lost in the legal fight but that we successfully delayed the functioning of the Board for a considerable long period of time. The Board met initially at Lydenburg in 1952 but its work was concluded only towards the end of 1954.

At the resumed hearing of the Board following the Supreme Court hearing the Chairman ruled that the Transvaal Indian Congress was not in terms of the Act an interested party to the deliberations of the Board, and therefore Congress not qualified to make representations or participate in any form in the proceedings. Similar rulings were given by the Chairman of the Boards at Pietermaritzburg, Brits and Johannesburg.

At the Johannesburg hearing we made an application for the adjournment of the Board to enable us to test the validity of the ruling in the Supreme Court. This was refused by the Board. In the interim we made an application to the Supreme Court accordingly, where it held that in terms of the Act the Transvaal Indian Congress was an interested body and fully qualified to participate in the proceedings of the Board. The inability of the Board to silence Congress before its proceedings was temporary. As a result of the Supreme Court decision, the Minister of Interior had the Act amended further, giving the Chairman of the Board absolute discretion in deciding whether a person or organisation was an interested body in terms of the Act. Whether Congress can make representations before any hearing of the Board, now is determined not by the wishes of the Indian people, but by the Chairman of the Group Areas Board, acting on behalf of an anti-Indian government.

Sittings were also held in Carolina, Nylstroom, Dalfour, Brits, Wolmaranstand, Nelspruit, Johannesburg, Ermelo, Klerksdorp, and Ventersdorp. Pretoria and Rustenburg has been adjourned sine die.

At Lydenburg, the Counsel appearing for the local municipality took the line of what was the hard and determined plan of the Nationalists to solve the Indian problem for all times, however, at the subsequent hearing at Carolina, counsel for the municipality put forward a recommendation designed to increase the period of removal to the proclaimed Indian Group Area from twelve months to four years for business and two years for residence, and thereby decrease the Indian opposition, and lull the Indian into a more co-operative attitude towards the Group Areas Act.

The procedure adopted at the hearings at Nylstroom and Lydenburg where counsel for the municipality called on the Town Clerk to give the Board estimates and figures of costs for the establishment of Group Areas was changed, because at previous sittings under cross examination the municipality's motive for setting aside these areas were exposed.

This procedure was changed and transformed the Board as the privileged Committee of the Municipality concerned. Previously witnesses were freely called to give evidence and to be cross-examined. This practice facilitated a severe and detailed examination of witnesses called by the local authority and in most cases led to the exposure of the real motives of the municipality in advocating a particular plan submitted to the Board.

In subsequent amendments to the Act it was left in the discretion of the Chairman to call witnesses. Henceforth the local authority not surprisingly refrained from calling witnesses at further hearings to save itself and the authors of the act the embarrassment of being caught with its shabby and fraudulent schemes and its bad faith. Applications to the Chairman to summon a witness particularly the Town Clerk of a local authority concerned have invariably been refused. In effect what happens now is that the local authority can with impunity put forward any wicked scheme in the form of memoranda without the burden of having to elaborate or explain it. The fate of the Indian people is now being decided on a scrap of paper.

At the latest sitting of the Board which was at Ventersdorp a new approach was adopted by the local authority. Hitherto a local authority had concerned itself in convincing the Board of the need for a Group Area for Indians different and away from existing sector or sectors normally occupied by the Indian community. It continued to be responsible for the provision of a suitable area within its jurisdiction.

The local authority at Ventersdorp, however, has departed from this generally accepted method. I introduced a plan which is at once novel and preposterous. In effect Ventersdorp is adhering to the classic Nationalist solution of the Indian problem. It is simply to deport the Indian away from Ventersdorp and thus disclaim all responsibility for the future of the Indian community. The Indian was either to be removed to towns "enjoying" larger units of the Indian population or failing that "the Kalahari Desert or the Bottom of Table Bay" was the Council's contribution to the hearing of the Board at Ventersdorp.

The essential fact which emerged at this hearing was that the Council was unable to discharge the onus placed upon it by the Act, namely, to make out a case and need for a Group Area for Indians, fell back upon the racial platitudes based upon the lack of hygiene among the Indians and the simplicity of deportation.

Lenasia.

In 1953 a private European company was formed in which the city councillors had direct financial interests.

This company exploited the acute housing shortage of the Indian community caused by restrictive land laws and accentuated by the Group Areas Act. They established a township about 20 miles from Johannesburg. This township can accommodate the entire Indian population of Johannesburg.

The siting of this township is a trap; the Minister of the Interior issued a open permit to the owners of the Township to sell the land to Indians. This in effect was bringing the Group area in through the back door. Plans are now afoot to eject and displace 10,000 more Indians from the city. It is envisaged that 5,000 people will be thrown out of the Western areas of Johannesburg as part of the removal of the "Black Spots" from so-called white areas. Another 5,000 people now living in Vrededorp face a similar fate. This was made clear by the application of Section 13 to the Vrededorp area.

The application of Section 13 means that it is intended to change the character of the area and therefore in terms of the Act no new buildings may be erected, extended or occupied without the permission of the authorities. The people of Vrededorp together with all the other people who live and trade in different parts of Johannesburg are being forced out of the city. They are to go to Lenasia which is earmarked as an Indian Group Area for ownership and occupation. There the government expected to achieve the cherished dream of apartheid and economic strangulation. The City Council of Johannesburg has succumbed to the Nationalist propaganda of apartheid and is prepared to assist the Government in removing the Indian people from the city. To make Lenasia a reality, areas at present occupied by the Indian people are being declared or are largely declared industrial or slum areas. This is being done to hasten the realisation of their group area.

At the end of the 1954 school term the Education Department closed down the Booyens Indian School in the city and declared that they were erecting a school on the barren veld of Lenasia. The action of the Department can only be viewed as an attempt to lend their force to the protagonists of apartheid and segregation. The Indian people despite the acute housing shortage boycotted Lenasia, and the removal of the school was rejected as a fraudulent attempt to compel the Indian people to accept this as a logical Group area.

The Indian community successfully boycotted the school and established one in the city. This institution is being maintained and financed by the community. On the closure of the Booyens School the Indian community offered the Department premises in the City. This was rejected and the community was told that in keeping with official policy schools must be established where Indian group areas are to be proclaimed.

This seems to show clearly that the government will employ any method to herd the Indian community into ghettos.

It is now five years that the Group Areas Act came into force and it is four years that the Group Areas Board is functioning. The purpose of the act in the innocent and harmless language of Parliament is to provide for the establishment of Group Areas for the control of and acquisition of immovable property and the occupation of land and properties. In fact, the working of the Group Areas

Board and the proposals submitted to the Board by various local authorities has demonstrated very clearly that the purpose of the Group Areas Act is:

- (a) to bring about complete segregation among the different groups and communities in South Africa both for residence and trade,
- (b) to uproot the Indian community of South Africa from their normal settlements to such a drastic extent as to bring about their economic ruination and create such miserable conditions of life, that they would be forced to accept voluntary repatriation.

This is not just a political argument of the Indians but is the avowed policy of the government.

From our experiences of the sittings of the Group Areas Board, it has become quite evident that by the very nature of the Act there is no room what-so-ever for compromise and co-operation with the Government. An examination of the submission of the chief counsel for the local authorities has left no doubt as to the full implication of the Act. In discussing whether Indians could remain in their existing sectors within the meaning of the Act, the learned counsel said:

"My learned friend (Dr. Lowen) has been studying the Act to find a provision stating that the Indian must be moved outside the town. Well, he will not find it inside the Act but will find it outside the Act. It lies in the fact that the Act was passed at all. If the Indians had to stay where they are, the Pegging Acts that we have had since 1939 would have been entirely sufficient. We would have had no need to set up all this elaborate machinery created by the Group Areas Act if we only want to have a Pegging and a keeping of the Indians where they are at present. The mere fact that the Act was passed, Mr. Chairman, indicates that the Act required a much more drastic separation than can be achieved by any Pegging measures."

If this is the true interpretation of the purpose of the Act, and we think that it is, then there is no room for any illusions about co-operation with the Government and aiming to soften the harshness of the Act.

The Minister of Interior, Dr. Dinges, in introducing the Group Areas Bill in Parliament said:

"As regards the carrying out of this Bill it will be based on justice. No policy that is not based on justice has any chance of success."

The justice the Minister was thinking of is the justice of extending and consolidating the privileges of the Europeans

and to uprooting the Indian community. The purpose of the Group Areas Board is to investigate and recommend schemes for Group Areas. But it has another important function and that is to test the efficiency of the Act. It is as a result of the Board hearings that weaknesses in the Act have been removed and loopholes closed. At the same time it was the justice of the Minister that prompted him to give the Chairman absolute discretion in calling witnesses and of excluding anybody from making representations. Needless to say this discretion has been exercised against the interests of the Indian people.

Under the circumstances, the Indian community must consistently oppose the application of the Group Areas Act. There can be no compromise on the policy of Apartheid. The Indian people will never accept the policy of expatriation, on the other hand, they are determined to resist with all the power they have to defeat the avowed aim of the Government under the banner of the South African Indian Congress; they have made a common cause with their fellow countrymen; with the African National Congress particularly and with the South African Coloured People's Organisation and the South African Congress of Democrats to struggle for right and justice for all.

"THERE SHALL BE HOUSES, SECURITY AND COMFORT."

FREEDOM IN OUR LIFETIME.

MAYIBUYE! AFRIKA!

By Durban Council, M.P.s, M.P.C.s

JOINT PROTEST ABOUT GROUP AREAS MOOTED

Daily News Municipal Reporter

A JOINT protest by the Durban members of Parliament, Provincial Councillors and City Council against the recent Group Areas proclamations for the city has been proposed by the City Council's Planning and Development Control Committee.

A recommendation to this effect, passed by the committee yesterday after a special meeting lasting more than three hours, will be considered by the City Council on Monday.

The committee had before it a report showing that the Department of Community Development has proclaimed 29 Group Areas in Durban contrary to the recommendations of the Council.

All 29 sitting members of the Council were asked to attend the meeting, which would have been in effect a meeting of the Council in committee, but only 18 were present.

Mr. A. M. Moola, president of the South African Indian Organisation, and Mr. P. R. Pather, president of the Natal Indian Organisation, addressed the meeting.

Mr. A. Moelwyn-Hughes, chairman, said the committee recommended that all Durban area M.P.s and M.P.C.s, together with Mr. Moola and Mr. Pather, be invited to a round-table conference convened by the City Council to draw up representations to the Government on the Group Areas proclamations of August 30 and October 4.

PROTEST

He said the committee envisaged a protest being made at the highest possible level, together with a plea that the 29 divergent proclamations be repealed and re-issued in accordance with the recommendations of the City Council.

Most of the divergent proclamations, he said, were contrary to the wishes of both the Council and the Indian community.

Mr. Moelwyn-Hughes said the two Indian leaders asked that the Council should re-affirm its previous recommendations regarding Group Areas zoning, particularly the recommendations at Cato Manor be zoned for Indians and that the three central city areas proclaimed for Whites should be left unzoned.

They claimed that it was impossible to provide displaced Indian traders with suitable alternative sites to replace the businesses that had been built up by Indians in the central areas over many years.

INDIAN LEADERS

The Indian leaders felt particularly strongly about the proclamation of the area known as Block AK for White occupation and ownership.

They had again pointed out that Government spokesmen had declared that certain areas should be proclaimed as areas for trading by Whites, Indians, Coloureds and Chinese, and had urged that Durban's central business district should be made such an area.

Mr. Moola and Mr. Pather had stated that about 6,000 Indians would have to be moved from Block AK and about 4,000 from the Warwick Avenue area as a result of the recent proclamations, in addition to 46,000 who would have to move from other areas.

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