

PSAW Ed 2.2

Facts Relating to the Native Urban Areas Consolidation Act as amended for the benefit of Congress Members.

There is nothing in this country that makes an African a prisoner irrespective of his social standing in the community more than the Pass Laws do - even though he stands outside prison walls. The Pass Laws operate under different Laws - the most vicious being the Urban Areas Consolidation Act of 1945 as amended, in particular Section 10 and 29. African freedom of movement is denied under ~~Drast~~* this law, not only from country to town but also from town to town. ~~These~~ limitations are imposed on his economic capabilities.

In terms of Section 10, "No Native shall remain for more than 72 hours in an Urban or Proclaimed area unless :-

- (a) "He was born and permanently resides in such area, or
- (b) He has worked continuously in such area for one employer for a period of not less than 10 years or has lawfully remained continuously in such area for a period of not less than 15 years and has not during either period been convicted of any offence in respect of which he has been sentenced to imprisonment without the option of a fine for period of more than 7 days or with the option of a fine for a period of more than one month" or
- (c) Such Native is the wife or unmarried daughter or son underage.

Many Africans who do not qualify in terms of this provision who have been fortunate enough to obtain a permit are only allowed to be in these areas until the expiration of their service contract. These provisions apply to both men and women.

In terms of Section 29 of the same Act, an authority is given to the local authorities to banish any African whom they deem undesirable or whose presence, they maintain is detrimental to the maintenance of peace and order. These two measures and various other laws and other regulations literally outlaw an African population in the Urban Areas and has already had detrimental effect on thousands of Africans. The following examples are given to show that the authorities are now using the Pass Laws to cover up what has not been covered by the Suppression of Communism Act. In other words they are used as political intimidation to silence all those who dare to challenge the hierarchy.

Mr. R.A.M. Dumah, born 1897, Mzimkulu, Natal, left his place of birth 1922, went to Klerksdorp 1937 and has been there ever since. In 1949 he obtained a Daily Labourer's Pass and carried on business as a licensed hawker, later obtained exemption from pass laws. From 1938 - 49 was member of Advisory Board and again in 1952 - 1953 he served as Secretary of Advisory Board for 7 years. Dumah is one of those responsible for the Supreme Court Action taken against the Klerksdorp Municipality (1949/1955) for the staying of the Removal of Old Location, Klerksdorp, quoted by the Minister of Native Affairs in the Parliamentary Debate (See Hansard p. 5045, 23rd. May, 1956) justifying the Natives' Prohibition of Interdiction Bill. He was convicted under Section 10 in 1955, on appeal, Judge-President and Justice Hill expressed the view that they could not understand why he could not get a permit. The N.A.D. expressed the same view. In spite of this the local authority refused him permission. On the 22nd. May, 1956, he was arrested and deported to Mzimkulu. His wife has also been arrested under Section 10 in terms of which she is not entitled to be in Klerksdorp.

Mrs. A. Silinga, A.N.C. Women's Leader from Langa, has been convicted under Section 10 of the Urban Areas Act for residing in Cape Town illegally. Mrs. Silinga has her home, husband and three young children in Langa. She is one of the foremost women fighters for freedom in Langa and a much-loved and respected leader of the people. A Defiance Volunteer in 1952, she was also a leader in the people's successful campaign against the establishment of a Beer Hall at Langa and against the rent increases. She is also a leading figure in the Women's Anti-pass campaign, C.O.P. and

against Bantu Education and on all local issues.

Mrs. Silinga was found guilty of residing in the Cape without a permit and fined £3 or 15 days and the very same day, a deportation order was issued against her. In terms of this order she had to leave her home in Langa and go to Nqamakwe. What will she do there, where will she stay? "I have no home there, no land to till. I no longer have people there."

Mr. G. Ngotyana obtained a permit in May 1954 to remain in the Cape Peninsula, the period of validity of the permit was limited to the period during which he remained in the employ of a certain Ma's Club. In May, 1956, he was arrested for not having a valid permit to remain in the Cape Peninsula, he produced his permit to the police officer who asked him where he was employed and he refused to answer. At the Trial the Crown led evidence to show that Ngotyana's movements had been observed by the police over a period and they (the Police) stated that they had seen him enter and remain in Trade Union Offices and Exhibits were also handed in to show that he was the Secretary of a Trade Union and of the A.N.C. The purpose of the evidence was to prove that Ngotyana was no longer employed by the Ma's Club and that consequently his permit was no longer valid. The Native Commissioner convicted Ngotyana under Section 10 of the Urban Areas Act. The C.P.D. on appeal with a slight variation convicted him under the same section, but on an alternative charge. The Appeal to the A.D. has now been argued and judgment has been reserved.

G. Sibande, a member of the National Executive of A.N.C. who played an important part in exposing the farmers of Bethal during Michael Scott's investigations and others on the conditions of the farm labourers, was served with a notice banishing him from his home, Bethal. His eight-roomed house was sold by public auction for £10. He is also banned from his birth-place, Ermelo. The magistrate is reported to have said: "No local authority will have you. No farmer will have you, buy a small cart and go about the roads, and when winter comes, trek to Swaziland. The winters there are warmer." Today Sibande has no home.

Boikanyo and Chili were dismissed from their places of employment. They believed strongly that the employers were influenced by the Police. No reasons for their expulsions were given. Both are leading members of the A.N.C. in Kimberley. They were endorsed out in terms of Section 10 by the local authorities.

Messrs. Ncala and Thauta of Brakpan have been endorsed out of Brakpan. Thauta's matter is on appeal to the Native Commissioner. Ncala has been employed in Brakpan since 1948. When he applied for a Daily Labourer's Pass to carry on Dry Cleaning he was endorsed out of the area. Both these men are leaders of the A.N.C. in the area.

Rev. Elias Mokoena of Bantu Apostolic Faith Mission has been in the area of Bethel for 15 years, but when he took part in the affairs of the A.N.C. he was prosecuted several times for being in the area of Bethel without a permit. He has now been given notice under Section 10 to vacate the place within 7 days.

Under Section 29 of the Urban Areas Amendment Act, the local authorities are given power to banish Africans, if in their opinion their presence is detrimental to the maintenance of peace and order in that locality. To this they have been further armed with the Natives Prohibition of Interdicts Act.

The first victim was Mrs. V. Hashe, Secretary of the South African Clothing Workers' Union. She was banned from the

Roodepoort-Maraisburg Area. Her banishment order has now been withdrawn.

The second group are leading members of the A.N.C. in Germiston, three of whom are Advisory Board members in Natalspruit. They were given time up to 12th September. The matter is in the hands of a lawyer. They are charged with addressing meetings between 1955 - 56, inciting their listeners to boycott schools, taxis and buses, and participating in the formation of the Civic Guards and that they further threatened violence, when their wishes were not carried out. These people are working in Germiston.

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FEDERATION OF SOUTH AFRICAN WOMEN 1954-1963

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