

26.4.2

The Regional Organiser,
Natal Region,
P.O. Box 803,
D U R B A N.

26th February, 1962.

Dear Mr. van Zyl,

1. The minutes of the Indian Fact-Finding Committee para. 5. ask for a statement on the Indian Affairs Department. We wrote to the Prime Minister about this, circulated the letter confidentially to all members of the Executive Committee, and published it with the reply in the November issue of Race Relations News, page 2. If the Fact-Finding Committee does not consider it too late now you could try to get local publicity.

2. Please may we have your new office bearers' names. We picked up the Chairman's name from the local Press.

3. Please note that all Confidential matter will in future be duplicated on blue paper for easier recognition.

Yours sincerely,

(Mrs.) M. Scott,
ADMINISTRATIVE ASSISTANT.

C/157/1/1

2nd April, 1962.

The Chairman,
Natal Regional Committee,
S.A. Institute of Race Relations,
P.O. Box 803,
DURBAN.

Dear Mr. Grice,

The General Purposes Committee noted with real appreciation that your Indian fact-finding committee is preparing notes on the legal and other disabilities of Indian women for July Executive Committee meetings.

Yours sincerely,

Quintin Whyte,
Director.

~~Handwritten scribbles in blue and red ink, possibly initials or a signature.~~

3rd April, 1963.

Mr. Ahmed Yusuf,
P.O. Box 2,
Boshhoek,
Transvaal.

Dear Mr. Yusuf,

I write to acknowledge receipt of your letter of the 18th March, 1963 in which you asked for help to emigrate to the United States of America or Canada.

I suggest that you write to:

The American Embassy,
van der Stel Building,
Pretoria.

The Canadian Embassy,
Canadian Koppie,
40 Doreen Street,
Colbyn, Pretoria,

telling them who you are and what you wish to do and ask them to give you the conditions of entry for immigrants into the United States or Canada. This I think would be the best way to tackle the matter. I also suggest that you tell them what your position is with regard to a passport. You say that you are a "stateless person" and I am not quite sure what you mean by this.

Yours sincerely,

Quintin Whyte
Director.

17-23

20 MAR 1963

P. O. Box 2
Boshole.

TRANSVAAL.

18. 3. 63

Mr. Quinton Whyte
P. O. Box 99
Johannesburg.

Dear Sir.

I understand that you can help me therefore I am appealing to you, Sir it is my ~~intention~~ intention to leave this country.

I wish to go either to United States of America or Canada, is it possible for me to go there as an Immigrant and what are the procedure

I am an Asiatic in South Africa I am a stateless person formerly British protected.

Sir I shall be ever grateful to you if could leave this country through your help.

Your Faithfully
Abel J. J. J.

Mrs Scott

C/1/1/1

La Celta

Ad. 10/5/62
MEXC/3/3

The Regional Organiser,
P.O. Box 803,
DURBAN.

14th May, 1962.

Dear Mr. van Zyl,

Thank you for your letter with an item for the agenda of the Executive Committee Meeting in July.

We are interested in the statement that Indian women are similar to European women by law in that they are not subject to special disabilities. This obviously necessitated widening the scope of the memorandum which Miss Pollak offered to have prepared, and we now understand why the larger subject was approached. The Executive Committee originally specified Indian women.

A report on the Natal Region will be given at the next meeting of the General Purposes Committee on Tuesday, ~~23~~ May. If you have anything to add to your recent notes will you please let me know?

Yours sincerely,

(Mrs.) M. Scott,
ADMINISTRATIVE ASSISTANT.

CH/11
20

The Regional Organiser,
Natal Region,
P.O. Box 803,
D U R B A N.

30th August, 1962.

Dear Mr. van Zyl,

Thank you for the memorandum on legal disabilities of Indians. The General Purposes Committee has instructed that it be sent to a legal expert for comment after which the President and the Director will consult on its presentation to the Department of Indian Affairs.

Yours sincerely,

(Mrs.) M. Scott,
ADMINISTRATIVE ASSISTANT.

C/E/H

AIRMAIL.

26th July, 1962.

MH/BA.

Miss Violaine Junod,
Center for International Affairs,
Harvard University,
6, Divinity Avenue,
Cambridge 38,
Massachusetts,
UNITED STATES OF AMERICA.

Dear Violaine,

It was good to hear from you. Our Librarian, Mrs. Sachs, has already written to you explaining which publications she can send and which must be retained here because they are frequently consulted and we have no spare copies.

You certainly are having interesting experiences. How lovely that you are going to the University of California. Please give my love to Hilda and Leo and the smalls when you see them.

Very best wishes to you, and much love from us all. Mary Draper, who is working here at present, sends regards too.

from,

MH

Muriel Horrell,
RESEARCH OFFICER.

16 JUL 1962

6 Divinity Avenue · Cambridge 38, Massachusetts

Center for International Affairs

July 11, 1962.

Miss Muriel Horrell,
 Research Officer,
 S.A. Institute of Race Relations,
 P.O. Box 97,
 Johannesburg,
 SOUTH AFRICA.

Dear Muriel,

Thankyou very much indeed for your letter and its enclosures. I have gone through the bibliography - RR.37/590 MFT - and selected those which, by title, seem relevant. It is of course difficult to judge. If the Library is able to let me have them on loan, here is the list:

- ① COLONIAL BORN AND SETTLERS' INDIAN ASSOCIATION - proceedings of first provincial conference Dec '33/Jan. '34 - mimeographed.
- ① - MAGRAJH, Hans and A.B. MOOSA comps: Segregation with co-operation, Maritzburg. Natal Indian Congress. 1940.
- NATAL INDIAN CONGRESS: Agenda book of 3rd provincial conference and AGM - 11 Sept. '41; and Agenda conference Feb. '44; and Memorandum submitted to Smuts, 18 April '44.
- ① - PHOENIX SETTLEMENT: Goden Jubilee 1904-1954.
- ↓ SOUTH AFRICAN INDIAN CONGRESS: Minutes and proceedings of 7th, 16th, 17th and 21st sessions; ② Memorandum submitted to the Indian delegation to the British Commonwealth relations conference; ① Report of deputation to Smuts, 11 Feb '46.
- ↓ DADOO, Y.M.: Five months of struggle - passive resistance struggle 13 June to 13 Nov. '46; New York. H.A. Naidoo and S. Rustomjee delegates of the B.A. Passive Resistance Council (1946).

I would appreciate it greatly if these could be sent to me airmail, on the understanding that I shall pay for the cost, and I shall of course return them as soon as I have done with them.

Lastly - and I hope you will bear with my further request. - Could the Library let me have any copies they have of the African National Congress conference proceedings whatever the dates. Many, many thanks.

I think I did tell you that my post here was temporary - i.e. for only the summer. It now looks as if I may move out west to the University of California in Los Angeles. I have been offered a post there until the end of the year with promise of 'something' in the new year. The thought is attractive for the Kupers are there and it will be wonderful to be among old SA friends once more - I miss them terribly!

Please give my fondest regards to all my friends at the Institute.

Yours very sincerely,

Violaine

Violaine Junod.

Violaine Junod,
Center for International
Harvard University,
6 Divinity Avenue,
Cambridge 38, MASS



Miss Muriel Horrell,
S.A. Institute of Race Relations,
P.O. Box 97,
Johannesburg,
SOUTH AFRICA.

AÉROGRAMME • PAR AVION

SECOND FOLD

FIRST FOLD

5th June, 1962.

MH/BA.

Miss Violane Junod,
Center For International Affairs,
Harvard University,
Cambridge 38,
MASSACHUSETTS, U.S.A.

Dear Violaine,

Heartly congradulations on being oppointed to do the research project at Harvard. It sounds most interesting and stimulating.

Enclosed is a list of some of the material on Indians which we have in our library. Should you want to borrow any particular book, please let our librarian know. Also enclosed, in case it is of use, is a paper by Dr. Cooppan.

I am also sending a list of material on Indians produced by our Institute. Please let us know if any of these documents would be of use to you.

Very best wishes to you.

Yours sincerely,

mf
Murial Horrell (Miss)
RESEARCH OFFICER.

ENCLD: 16.

4 JUN 1962

Center for International Affairs,
Harvard University,
Cambridge 38, MASS.

May 31, 1962.

Miss Muriel Horrell,
S.A. Institute of Race Relations,
P.O. Box 97,
Johannesburg,
SOUTH AFRICA.

Dear Muriel,

It is with some hesitation I write you for information and advice. I have just received your pamphlet on Trade Unionism and realise you are as busy producing as ever and that time must be your most precious commodity. But, if you can spare a few minutes on my problem, I will appreciate it greatly.

I have been appointed to do a four months' research project at the Center for International Affairs at Harvard, starting tomorrow. The general topic is that of the role of non-European immigrant minorities in the growth of African Nationalism (of the protest movements) in Africa. For these four months I am to concentrate on the role of the Indian in South Africa. It is hoped I shall be able to continue, funds being available, and study other areas, notably east and central Africa.

My immediate problem however, is to obtain as much material, lists of source material, bibliographies which might assist me on the SA study. It is this I have in mind in writing to you. Would it be at all possible for you to send me a bibliography of material - anything: books, pamphlets, newspapers, journal articles etc - relevant to this topic? It would help me a great deal. Local libraries, notably those at the African Studies Program at Boston University and the Widener Library at Harvard, are excellent - but it is probable that I shall have to go down to Washington to the Library of Congress.

I do not know whether the Institute has old material which it might be prepared to lend me, i.e. if not available in any other way? I would naturally pay for its postage and return it as soon as I have finished with it. I only wish I had known this chance was likely to turn up before I left the country - my task would have been so much easier!

I should state briefly what the study will try to get at: the idea is to assess and analyse the contribution of the Indians at three levels: the ideological (I am here thinking particularly of Gandhi and his non-violence and of the leftist movement), the political action i.e. Indian leadership in the movement and finally, the financial. I think that the latter will be difficult to get evidence on.

If you think direct contact with other sources might be useful, please let me know. I have written to the Institute office in Durban, to friends in Durban and to Jack Simons at U.C.T.

Hoping to hear from you soon,

Very sincerely yours,

Violaine

Violaine Junod.

Ans.

Mr. A. L. Minty.

CH/III

Dear Mr. Minty

Thank you very much for your letter
of 14th Sept., 1962 & the very helpful notes you
enclosed. ~~Dear very~~ we are very grateful.
indeed

Yours
A

Ⓢ

P.1
MINTY

OF THE MIDDLE TEMPLE
BARRISTER-AT-LAW

—
SOLICITOR
—

PHONE 34-2578

WHEN REPLYING PLEASE REFER TO :

Mr. Minty.

YOUR REF. :

17 SEP 1962

**CHANCELLOR HOUSE
(GROUND FLOOR)
17(C) BECKER STREET
OPPOSITE NEW MAGISTRATES COURT
FERREIRASTOWN
JOHANNESBURG
TRANSCVAAL**

14th September, 1962.

Q.W. bank

(16)

The Director,
The South African Institute of
Race Relations,
P.O.Box 97,
JOHANNESBURG.

Dear Mr. Quintin Whyte,

I received your letter of the 5th
instant.

I understand the Government intend
abolishing next year the distinction between Passenger and
Immigrant Indians.

Possibility also lies in doing away
with Asiatic registration in the Transvaal.

I have made notes on some of the
Immigration difficulties of Indians of the Transvaal which
are set out briefly in the Notes enclosed.

I hope these notes may help you in
preparing your Memo.

Yours Sincerely,

A.I. Minty
A. I. MINTY.

ENCL.

C/1/1/11

5th September, 1962.

Mr. A.I. Minty,
17c Becker Street,
JOHANNESBURG.

Dear Mr. Minty,

The Natal Regional Committee of the Institute has just completed a memorandum on the disabilities of Indians which we wish to present to the Department of Indian Affairs. We understand that this Department is considering legislation affecting Indians to be introduced next session, and we feel it is an opportune moment to draw its attention to some of the difficulties that the Indian community meet.

The General Purposes Committee of the Institute discussed the memorandum but feel that we do not have anyone sufficiently expert in this field to vet the memorandum. We would be very glad indeed if you could look at it and make any comments or suggestions that you think would be useful.

Yours sincerely,

Quintin Whyte,
Director.

Encl.

17 SEP 1962

The Secretary for Indian Affairs,
Indian Affairs Department,
PRETORIA.

Sir,

Re: LEGISLATION RELATING TO INDIANS.

1. The South African Institute of Race Relations was founded in 1929 in the belief that the future of South Africa depends on the good relations of the different racial groups that make up its population.

The Institute is a non-political body concerned primarily with the objective study of race relations in South Africa, the assimilation of factual information, and the promotion of services where these are needed in the cause of race relations.

2. The Institute believes that racial friction often results where one racial group only suffers a specific hardship. Such friction leads to a deterioration of good race relations.
3. The Institute is therefore concerned that the Indian population of Natal suffers certain legal disabilities peculiar to their group. Some of this legislation, as will be outlined and analysed below, although enacted as protective measures for the Indian population, is now no longer relevant to present circumstances and is the cause of hardship and confusion.

(A) The Institute therefore submits that:

The distinction made between "Indian Immigrants" and "Passenger Indians" is no longer of practical value. The Institute holds that the distinction made between Indian Immigrant and Passenger Indian for the purpose of Registration of Births, Marriages and Deaths (the former under Natal Law 25 of 1891 and Act 2 of 1907, and the latter under the Indians Relief Act 22 of 1914 and the Births, Marriages and Deaths Act 17 of 1923) has caused much hardship and confusion and will continue to do so.

- (i) The births of Indian Immigrants are registered on a return, Schedule F to Law 25 of 1891. In this schedule no provision is made for a surname. In the process of urbanization and Westernization, Indian Immigrants, in line with other Indians, have to an increasing extent adopted the European method of nomenclature. In the absence of a surname and the difficulties arising out of the official recognition of such names, many Indian Immigrants have resorted to various devices in the registration of their births to introduce the equivalent of a surname, with very conflicting results.

Further /.....

Further, each return on Schedule F must reflect the parents' names as registered and their numbers. Without this information, no birth can be registered in practice. This means that parents must produce their own birth certificates or passes so that their names and numbers can be obtained. Many births have remained unregistered because the parties concerned could not produce the information required, either because their births have not been registered or, if registered, could not be traced. Every indentured person so introduced into the Colony was assigned an Indenture Number. The children of a marriage between such persons received the combined numbers. The third generation received a combined number of already combined numbers. Today it has become impossible to trace a person's ancestry by means of his multi-number. Therefore these numbers no longer serve any practical value. The requirement of such numbers imposes undue hardships on those who for some or other reason are unable to produce them.

While Law 25 of 1891 provides for registration within 30 days and failure to do so is an offence, no provision is made for late registration of births.

This form of Birth Registration for Indian Immigrants has an undesirable effect in cases where such a child is adopted by Non-Immigrants. The parents by adoption are governed by Act 17 of 1923 but their adopted child by Act 25 of 1891. This also means that the child cannot automatically adopt the "parents" surname. (Non-Immigrants have surnames as their births are registered in terms of Act 17/1923).

(ii) Indian Immigrants must register the marriages under Section 70 of Law 25 of 1891 and complementary Law 2 of 1907. Registration under this Section excludes the necessity of any religious ceremony. Both parties to such a marriage must be Indian Immigrants; if one party is not, then the marriage is invalid. (Chetty vs. Maduramah, 1925 N.P.D. 339). No other law relating to the registration of marriages is available to Indian Immigrants. When one of the parties is a Passenger Indian, they may register their marriage after performing the customary religious rites, in terms of Act 22 of 1914. Indian Immigrants have to produce their number when their marriage is registered. Failure to register after a religious ceremony has been performed is punishable under Act 2 of 1907. When a marriage has been registered in terms of Section 70 of Law 25 of 1891, divorce proceedings can be heard only in the Magistrate's

Court and only on the grounds of adultery or continuous desertion for one year. Applications for custody of children or for sole guardianship as provided for in Section 5 of the Matrimonial Affairs Act 39 of 1953, in the case of Indian Immigrant marriages have to be made separately from the divorce action, as two different Courts have jurisdiction in each instance.

From the time of indenture Indian Immigrants have married other Indians. Some of these marriages, for convenience or other expediency, were registered under Section 70 of Law 25 of 1891. Legally these marriages are not valid. Two marriage validation Acts were passed to validate such marriages, one in 1896 and another in 1944. All such marriages registered after 1944 are still invalid. So many factors and considerations have to be taken into account to distinguish legally between an Indian Immigrant and a Passenger Indian, that to do so is almost impossible for a lay person. The question of interpreting the definition of an Indian Immigrant as contained in Section 118 of Law 25 of 1891 has from time to time arisen. The Courts, however, have been hesitant to pronounce one interpretation which will apply to all cases. (See *Ex parte Borbeau & Others*, 1937 N.P.D., 156; *Cross vs. Cross*, 1955(4) S.A. 38(N); *Rampatha vs. Chundervathee* 1957(4) S.A. 486).

The whole position of Indian Immigrants and the application of the Laws relating to the registration of their births and marriages is in confusion. From what is evident in practice and the facts brought out in Court cases, it is virtually impossible to determine which marriages registered in terms of the Indian Immigration Laws are valid and which are not, and which birth registrations are regular and which are not, unless tested by a Court. The validation of these marriages affects the rights of:

- (a) inheritance of the children born of such marriages;
- (b) the widow in any estate of her reputed husband;
- (c) a widow in any Third Party claim or Workmen's Compensation - the validity of her marriage need only be questioned and the matter then can only be settled through expensive legal action;

(d) /.....

- (d) one of the parties to a marriage, in that the other party can apply for the marriage to be nullified and thus evade the fuller responsibilities of the marriage as originally contracted.

This matter is all the more serious if the fact is remembered that application for a marriage to be nullified has been prompted by:

- (a) the intention of depriving the spouse of any rights in a joint estate;
- (b) the intention to nullify the marriage when a divorce action has failed;
- (c) attempts by relatives to deprive the surviving spouse and her children from benefiting in the estate of the deceased.

This confusion thus introduces all the disabilities suffered by a woman who lived with a man without having undergone any form of marriage, except that in cases brought before the Courts children may be declared legitimate.

The South African Institute of Race Relations therefore cannot but agree with Justice Milne when he said:

"It seems to me very desirable that the question of this Court's or the Magistrates' Courts' power to grant a divorce should not be left in any unnecessary doubt in cases of this kind, that is where each of the parties has an ancestor who was an Indian Immigrant introduced as such under the Laws in question. In view of the urbanization of Indian Immigrants and their inter-marriage with other Indians and others, it is conceivable that the authorities concerned may now indeed consider that the time has come when the serving legal distinction between Indian Immigrants and other Indians in Natal need no longer be maintained". (Cross vs. Cross 1955(4) S.A. 38(N) Page 39).

(B) The South African Institute of Race Relations thus recommends:

- (i) That the distinction between Indian Immigrants and Passenger Indians no longer be maintained.
- (ii) That legislation relating to the registration of Births, Marriages and Deaths of Indians be consolidated and brought on an equal footing with Europeans.
- (iii) That a validation Law be enacted to validate all marriages between Indian Immigrants and Passenger Indians not covered by previous Validation Acts, and that provision be made that no marriage can be invalidated on grounds of status.
- (iv) That all new births registrations shall be registered according to the European method of nomenclature, and that provision be made for an interim period (not less than 5 years) during which each former Immigrant family

shall /.....

shall re-register and establish a surname. It is recommended that this should be done by family applications covering all the members of the family, and that such registration be free of charge.

4. Under the Immigrants Regulation Amendment Act 43 of 1953, no Indian after marrying outside the Republic may bring his wife into South Africa. Neither can a couple domiciled in South Africa bring their child into South Africa should it be born outside the borders of South Africa. The number of Indians who married outside the Republic steadily declined and is today negligible (in view of the present age and sex composition of the Indians in South Africa). Likewise the number of children born outside South Africa to Indian parents domiciled in the Republic is infinitesimal. For these reasons the Institute feels that the provisions of the law which enforce these restrictions are unnecessarily harsh and should be repealed.

5. Under Section 4(a) of the Immigrants Regulation Act 22 of 1913, Indians have been prohibited free movement from one province to another without a special permit.

The Institute holds to the principle that every citizen, regardless of his race, should be allowed to live and move as he wishes in South Africa. In view of the large Indian population in the Transvaal and the Cape Province, the Institute recommends that free inter-provincial movement of Indians be allowed, as a first step, between the Cape, Transvaal and Natal.

6. The payments of Government Grants and Pensions in Durban are centralized at the office of the Department of Indian Affairs. The magistracy of Durban has as its southern boundary the Illovo River, which is some 20 miles from the centre of the City; to the North the Magistracy extends up to Springvale which is about 15 miles from the centre of the City; and to the West the Indian population is scattered up to 15 miles from the centre of the City. It is thus evident that people have to come some considerable distance to receive their grants. Families dependent on the State represent the poorest section of the community. The transport fares which are paid to come to the office are an additional expense on the already difficult budget. Furthermore, recipients of such pensions are almost invariably old and disabled.

The Institute recommends that payment of Government Grants and Pensions be decentralized and be paid out through local Post Offices, as is the case with all other racial groups.

Yours

.....

COPY

The Secretary for Indian Affairs,
Indian Affairs Department,
PRETORIA.

COPY

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2. The Institute believes that racial friction often results where one racial group only suffers a specific hardship. Such friction leads to a deterioration of good race relations.
3. The Institute is therefore concerned that the Indian population of Natal suffers certain legal disabilities peculiar to their group. Some of this legislation, as will be outlined and analysed below, although enacted as protective measures for the Indian population, is now no longer relevant to present circumstances and is the cause of hardship and confusion.

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Court and only on the grounds of adultery or continuous desertion for one year. Applications for custody of children or for sole guardianship as provided for in Section 5 of the Matrimonial Affairs Act 39 of 1953, in the case of Indian Immigrant marriages have to be made separately from the divorce action, as two different Courts have jurisdiction in each instance.

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shall /.....

shall re-register and establish a surname. It is recommended that this should be done by family applications covering all the members of the family, and that such registration be free of charge.

4. Under the Immigrants Regulation Amendment Act 43 of 1953, no Indian after marrying outside the Republic may bring his wife into South Africa. Neither can a couple domiciled in South Africa bring their child into South Africa should it be born outside the borders of South Africa. The number of Indians who married outside the Republic steadily declined and is today negligible (in view of the present age and sex composition of the Indians in South Africa). Likewise the number of children born outside South Africa to Indian parents domiciled in the Republic is infinitesimal. For these reasons the Institute feels that the provisions of the law which enforce these restrictions are unnecessarily harsh and should be repealed.

5. Under Section 4(a) of the Immigrants Regulation Act 22 of 1913, Indians have been prohibited free movement from one province to another without a special permit.

The Institute holds to the principle that every citizen, regardless of his race, should be allowed to live and move as he wishes in South Africa. In view of the large Indian population in the Transvaal and the Cape Province, the Institute recommends that free inter-provincial movement of Indians be allowed, as a first step, between the Cape, Transvaal and Natal.

6. The payments of Government Grants and Pensions in Durban are centralized at the office of the Department of Indian Affairs. The magistracy of Durban has as its southern boundary the Illovo River, which is some 20 miles from the centre of the City; to the North the Magistracy extends up to Springvale which is about 15 miles from the centre of the City; and to the West the Indian population is scattered up to 15 miles from the centre of the City. It is thus evident that people have to come some considerable distance to receive their grants. Families dependent on the State represent the poorest section of the community. The transport fares which are paid to come to the office are an additional expense on the already difficult budget. Furthermore, recipients of such pensions are almost invariably old and disabled.

The Institute recommends that payment of Government Grants and Pensions be decentralized and be paid out through local Post Offices, as is the case with all other racial groups.

Yours

.....

CH/11
The Regional Organiser,
P.O. Box 803,
DURBAN.

29th October, 1962.

Dear Mr. van Zyl,

Your Committee will like to know that the memorandum on the legal disabilities of Indians was sent to the Minister and received the following reply:

"thank you for your suggestions contained in the accompanying memorandum.

"The revision of the old laws relating to Indians is already receiving the attention of the Department for some time and it is hoped that suitable legislation will be introduced during the forthcoming parliamentary session."

We were hoping that a report on your Youth Conference would arrive in time for the General Purposes Committee meeting on 23 October, but no luck. We have seen newspaper cuttings only. Was it a success and did you receive our telegram safely? Everyone here was most interested.

Local Government will be on the agenda for the meeting of the Executive Committee in January. There is mention in the last Minutes received (25 July) of the draft regulations for urban Bantu Councils. The Director suggests that your Region might like to report on this at the meeting.

Yours sincerely,

(Mrs.) M. Scott,
ADMINISTRATIVE ASSISTANT.

18 OCT 1962
DIA 3 (a).

REPUBLIEK VAN SUID-AFRIKA



REPUBLIC OF SOUTH AFRICA.

DEPARTEMENT VAN INDIËRSAKE.
DEPARTMENT OF INDIAN AFFAIRS.

Verwysingsno. } 43/1
Reference No. }
Telegramadres } „COMASIA.“
Telegraphic Address }
NAVRAE } Mnr. Nadel.
ENQUIRES }
Telefoonno. } 26527
Telephone No. }

ORIBIHUIS/ORIBI HOUSE.

H/v. PROES- EN ANDRIESSTRAAT,
Cor. PROES AND ANDRIES STREETS,

POSBUS } 244
P.O. BOX } 244.

PRETORIA.

11 7. 10. 1962

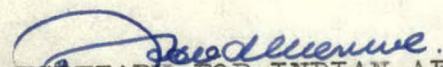
The Director,
South African Institute of Race Relations,
P.O. Box 97,
JOHANNESBURG.

Dear Sir,

I wish to acknowledge receipt of your letter of the 11th October, 1962, and to thank you for your suggestions contained in the accompanying memorandum.

The revision of the old laws relating to Indians is already receiving the attention of the Department for some time and it is hoped that suitable legislation will be introduced during the forthcoming parliamentary session.

Yours faithfully,


SECRETARY FOR INDIAN AFFAIRS.

MN/JvS

11th October, 1962.

The Secretary for Indian Affairs,
Department of Indian Affairs,
Oribi Buildings,
Cor. Andries & Proes Streets,
PRETORIA.

Dear Sir,

The Institute has been very concerned for many years over the position of our Indian Community. Now that our Indian people are accepted as South Africans, we considered that we could usefully draw up some suggestions for the alleviation of some of the difficulties which they experience. These are contained in the accompanying memorandum.

We hope that your Department will find this useful.

Yours sincerely,

Quintin Whyte,
DIRECTOR.

CH/1/1
The Secretary for Indian Affairs,
Indian Affairs Department,
PRETORIA.

13

Sir,

Re: LEGISLATION RELATING TO INDIANS.

1. The South African Institute of Race Relations was founded in 1929 in the belief that the future of South Africa depends on the good relations of the different racial groups that make up its population.

The Institute is a non-political body concerned primarily with the objective study of race relations in South Africa, the assimilation of factual information, and the promotion of services where these are needed in the cause of race relations.

2. The Institute believes that racial friction often results where one racial group only suffers a specific hardship. Such friction leads to a deterioration of good race relations.
3. The Institute is therefore concerned that the Indian population of Natal suffers certain legal disabilities peculiar to their group. Some of this legislation, as will be outlined and analysed below, although enacted as protective measures for the Indian population, is now no longer relevant to present circumstances and is the cause of hardship and confusion.

(A) The Institute therefore submits that:

The distinction made between "Indian Immigrants" and "Passenger Indians" is no longer of practical value. The Institute holds that the distinction made between Indian Immigrant and Passenger Indian for the purpose of Registration of Births, Marriages and Deaths (the former under Natal Law 25 of 1891 and Act 2 of 1907, and the latter under the Indians Relief Act 22 of 1914 and the Births, Marriages and Deaths Act 17 of 1923) has caused much hardship and confusion and will continue to do so.

(i) The births of Indian Immigrants are registered on a return, Schedule F to Law 25 of 1891. In this schedule no provision is made for a surname. In the process of urbanization and Westernization, Indian Immigrants, in line with other Indians, have to an increasing extent adopted the European method of nomenclature. In the absence of a surname and the difficulties arising out of the official recognition of such names, many Indian Immigrants have resorted to various devices in the registration of their births to introduce the equivalent of a surname, with very conflicting results.

Further /.....

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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