

THE APPLICATION OF THE PASS LAWS IN THE CAPE TOWN CITY COUNCIL AREA
AND THE CAPE DIVISIONAL COUNCIL AREA

(BASED ON CASE WORK BETWEEN OCTOBER 1959 AND OCTOBER 1961)

by J.L. Mouat.

The purpose of writing this paper is twofold: firstly, to show, from our experience at the Institute over the past two years, how the laws have been applied in the two areas, and, secondly, to describe the ways in which caseworkers can assist Africans with problems which involve the pass laws. In both descriptions it will be difficult to be precise because there are a number of instances where the laws place arbitrary power in the hands of individual officials. One has therefore to contend with a variety of individual interpretation, given by different officials, or given by the same official from time to time. In addition, officials have mentioned "directives" given to them on occasions which cause further confusion. The difficulty of ascertaining the outcome of negotiations, particularly if one has not interviewed the official personally, increases the uncertainty.

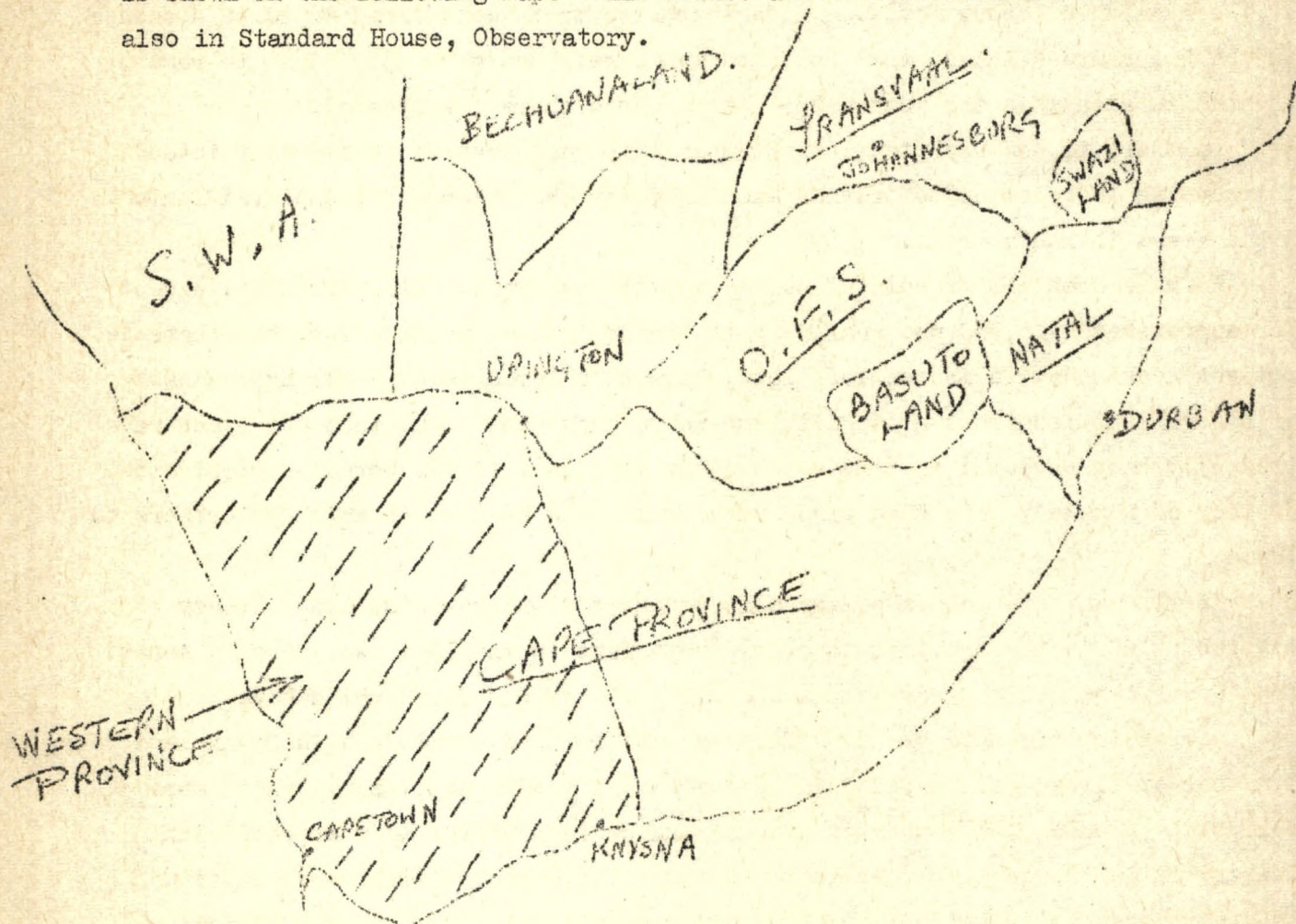
The Africans who come to our office for assistance are almost invariably those who wish to obtain permission to reside in or work in the two abovementioned areas. The areas concerned are shown on the map on the following page. Until February 1960, the Cape Town City Council administered the pass laws in the greater part of both these areas but since that date the Divisional Council has administered the laws in its own area. The Government's policy is that people should live and work in the same area; in other words, people who live in Langa and Nyanga West (City Council locations) should work in the City Council area, and those who live in Nyanga East (Divisional Council location) should work in the Divisional Council area. Those who were in employment in February 1960 in an area other than the one in which they lived, appear to have been allowed to continue working in that area until they left that particular employment. Frequently people have requested transfers from the Divisional Council area to the City Council area (where wages tend to be higher) but these are refused in the same way as Africans from outside either area are refused permission to work in them. The stories of two of our cases will help to illustrate the complications which arise:

1. A man who was living at "Vrygrond", Muizenberg, was not permitted to take up employment with a contractor who was working on reclamations at Lakeside (an adjacent suburb in the City Council area) because he had previously worked in the Divisional Council area.
2. A man who had been working on a building site in Sea Point (City Council) for a contractor whose registered office was in Bellville (Divisional Council) was, on his return from a holiday out of the areas, not accepted back by either local authority as the contract in Sea Point was finished.

We were told that the actual place of employment and not the registered office of the company, determined the area in which a man was said to be employed. It was necessary for this man to return to his last employer in the area, but the question of where the employer was to register him arose.



In each area a Manager of Bantu Administration is in charge, the office of the City Council administration being in Langa and that of the Divisional Council being at 6, Dorp Street, Cape Town, though the registration office of the latter authority and the location administration offices are in Nyanga East itself. The Bantu Administration offices of the two local authorities are responsible for all matters relating to Africans living in their areas, except for those which are dealt with by the Bantu Affairs Commissioner for the Cape Peninsula and his staff, such as the issue of Reference Books, tax collection, pensions, disability and maintenance grants. These offices are in Standard House, Fir Street, Observatory. The Chief Bantu Affairs Commissioner for the Western Cape is in authority over all the officials already mentioned and the area of his jurisdiction is shown on the following map. His office and the criminal and civil courts are also in Standard House, Observatory.



In order to understand the actions of the two local authorities over the past two years, the policy statement made by Dr. Eiselen (Secretary for Native Affairs at the time) in 1955, should be noted. He said that the Government intended ultimately to remove all Africans from the Western Cape (as shown on the map). As this was the "natural home of the Coloured people" they had "a right to be protected against the competition of Natives in the labour market". There was an outcry against this statement from employers, generally, on the grounds that their labour supply would be affected and a reassurance was subsequently given by Dr. Verwoerd (Minister of Native Affairs) to the effect that labour requirements could always be met from migrant labour. Dr. Eiselen also said that only new migrants required to meet labour requirements, would be permitted to enter the

area /

area, that the number of African families already in the area should be frozen. In other words, no women would be allowed to come down to Cape Town to reside permanently with their husbands, even if their husbands qualified for permanent residence themselves.

In June this year Mr. M.C. Botha, Deputy Minister of Bantu Administration and Development, said that "industrial development in the White areas would be determined by the availability of Bantu labour in such areas while the development in the border areas could continue unhampered. At the same time the development within the Bantu areas would have to be so stimulated that it would be possible to provide work not only for the growing population but also for the surplus labour coming from the White areas. The fixing of quotas would result in employers doing all in their power to make the fullest use of the productivity of the available labour force. A further step to be considered would be a change in the Urban Areas Act so that no Bantu would have the automatic right to remain in a White area when the reason for his presence there disappeared."

Further, it was reported in September this year that the Government intended introducing legislation "to provide machinery for the return of unemployed Bantu in urban areas to Bantu areas."

We have seen the effects of policy in the case work. All Africans, except for approximately 6,000 who qualify for permanent residence and for whom there is not yet accommodation in the locations, have been moved into either Nyanga West or Nyanga East locations - depending on where they work - and then the women have gradually been screened to find out whether they qualify for permanent residence. If they do not they have been given varying lengths of time in which to prepare to leave.

In line with the above policy statements, too, we have noticed a steady tightening up in the application of the pass laws in the last two years. Apart from Government policy, however, there are three main factors which have contributed towards this trend. Firstly, after the disturbances in March last year, a number of firms took on Coloured labour in the hope that it would prove more reliable; secondly, a number of African and White officials were charged with bribery in September last year and this tended to make officials more cautious in granting concessions for fear of arousing suspicion and thirdly, the growing unemployment, about which officials have complained since June last year, has made the position of those Africans who do not qualify to reside permanently in the areas, more precarious. The tendency has been for the local authority to reserve such employment opportunities as there are for people who qualify for permanent residence. We are told, also, that the police check on the administration of the pass laws by local authorities, from time to time.

Prior to these events, officials (particularly in the City Council administration) were more inclined to consider human needs in dealing with cases, and if a man or woman failed to comply with the exact letter of the law, the necessity for so doing was sometimes waived. Several examples will be quoted to illustrate this:

1. Though the law requires that an African returning to Cape Town after a period away, must obtain work with his last employer in the area or be "endorsed out", officials would sometimes grant a temporary residential permit if the last employer promised to take the worker back but could not do so immediately.
2. In one instance a man was allowed to return to a previous employer though this was not his last employer.
3. The law requires, further, that a person wishing to return to the area to work must return within a year. One man was, however, permitted to return after a year and was also allowed to work for a dairy which was not his last employer, though he had worked for dairies before.
4. Women were more often allowed to remain in the area, even if they did not qualify for permanent residence, particularly if they were prepared to take "sleep-in" employment. Nowadays, they are frequently "endorsed out" after their last employment, or if they have not worked for any length of time, for example, if they have stopped work on account of pregnancy: after their confinements they are invariably told to leave.
5. Though now we are told it is Government policy not to permit adults or children who have not always resided here, to attend school in the area, occasionally youngsters were permitted to attend school here if they had been living in the country with relatives and it was no longer possible for them to do so, for any reason. Now we are not able to assist young men or women who have perhaps been sent to live with relatives in the country, if their parents are working here, to obtain permission to return here. According to the law, these children have lost their right to return to live with their parents, no matter how long their parents have lived in the area.
6. The maximum period permitted in the Labour Bureau (for those who do not qualify for permanent residence) is fourteen days, but previously officials frequently extended this period for a month or more if the workers concerned had been working here for a long time but not long enough to remain permanently.
7. Women were often granted permits to visit - which were far more readily extended too - even if they had not obtained the prior permission of the Bantu Commissioner in their home town, to proceed to the area. Now, we are told, they will not be permitted to remain for any length of time if they have not obtained this prior permission.
8. Workers who have not previously worked in the City Council area are never now permitted to enter this area but earlier young men were very occasionally permitted to enter if their parents qualified for permanent residence.
9. Occasionally, men who had been recruited to work in the area on contract with a specific employer, were permitted to take alternative employment here after the completion of the first contract.
10. Although, strictly speaking, employment outside the area disqualifies a man from re-entering the area, a man who had worked outside the area briefly early in 1960, was permitted to return in May 1960.

It should be noted that the law is such that local authorities are only responsible for placing in employment those who qualify for permanent residence. One frequently hears officials say "My responsibility is to those who were born here". As unemployment grows, therefore, so more and more workers, who do not qualify by reason of the fact that they were born here or because they have worked

here for a specified period, are "endorsed out" as they cannot be placed in employment during the period permitted in the labour bureau.

The cases where women have been able to obtain permission to proceed to the areas under discussion, for any purpose, have been rare and we conclude that this is in line with the Government's policy already outlined.

The different types of cases involving the pass laws will now be described and, as far as precision is possible in the circumstances, the question whether or not assistance can be given, will be answered. The problems peculiar to "Foreign" Africans will be dealt with separately.

When African men or women come to our office, there are several basic questions which we ask in order to ascertain whether any purpose can be served by our negotiation or not. We ask them:

1. Date of their first arrival in the area, and
2. Whether they have been away from the area for any length of time since that date, and, if so, for how long and for what purpose.

If they have been away from Cape Town for over a year, or if they have been away for any length of time and have during that period, worked elsewhere, no assistance can be given in obtaining a permit to work in either area; a visiting permit only may be obtained in certain circumstances. Further, if they do not qualify for permanent residence and they have already had fourteen days in the labour bureau since leaving their last employer, no assistance can be given. If they have already been endorsed out of the area, for any reason, no assistance can be given if more than a few days have elapsed. Generally speaking, officials are loathe to cancel endorsements and therefore the African's case is prejudiced if he remains in the area after his permit has expired.

In addition, to the abovementioned questions, Sections A and B of the Reference Book should be examined. The Reference Book consists of the following sections:

- SECTION A. 1. Permanent Address: Reserve
- Farm
- Urban Bantu Residential area
- District
- Chief/Headman

2. Labour Bureau, Efflux and Influx Control and Registration

for example "Permitted to remain in the proclaimed area of the Cape Peninsula while employed byas

Date
.....
Designated Officer "

or

"Resident of(address)..... in terms of Section 10 (1)(a) or 10(1)(b) of Act No. 25 of 1945.
Proclaimed Area of the Cape Divisional Council.

Date
.....
Designated Officer".

SECTION B. /

SECTION B. Employer's name, address and signature.

The following columns are provided:

"Name & address of employer" "Date of Engagement" "Monthly signature"
"Month" "Date of discharge & signature".

SECTION C. Union Tax (This includes the place at which the person is registered for tax purposes, and the tax receipts)

SECTION D. Bantu Authorities Tax

SECTION E. Additional particulars (including concessions in respect of curfew, Native law and custom etc.)

On the inside of the back or front cover, details for the purposes of the Population Register, are given: Name, Group, Tribe, Citizenship ("in the case of a Native who is not a South African citizen".)

As will be seen from the above, Section A contains any endorsement regarding permission to be in an area for any purpose, and Section B contains the name of any employers and the employer's monthly signature (in the case of men) and the date of discharge from employment. Africans are required to report to the Registration Office within seventy-two hours of leaving their employment and, if they do not, unless there is an excuse such as illness (supported by a medical certificate), it is unlikely that assistance can be given to obtain permission for them to remain in the area.

Once it has been decided whether any negotiation is likely to prove fruitful or not, a complete case history is taken and wherever possible this should be supported by documentary proof. Tedious as it may be, it is worth trying to find out the exact reasons for the movements of the person concerned as the success of negotiation may depend upon a number of seemingly unimportant details but which, together, may persuade an official to be more lenient than he might otherwise have been. Also, one hopes that the person concerned has been endorsed out only because of lack of information on the part of the administration. If the African's statement appears to entitle him to a right to permanent residence, for instance, or to the chance of a period in the labour bureau, one can telephone "Records" at the appropriate Registration Office to ascertain the information in their files. If there is a divergence between the two, it will be necessary to try to prove the African's statement to be correct.

The methods used in our negotiations depend upon the type of case and practical considerations such as time and transport facilities. A personal interview with the Registration Official and the African concerned, plus a statement outlining the case history is usually the best method. On the other hand, once one knows the attitude of a particular official a letter given to the African to take to him, may be adequate or may even be preferable. In order to save the African disappointment and waste of time and money, it is sometimes best

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to telephone officials first to ascertain their reaction in the matter. Sending people to the Registration Offices, without letters of introduction to a particular official, is useless.

The different types of cases will now be dealt with.

1. Those Africans who have never entered the areas under discussion before.

Such people must report to the Registration Office in the area in which they wish to work or visit, within seventy-two hours. Permits to work will not be granted to men or women, with the exception that men may be permitted to enter the Divisional Council area from time to time, if they are prepared to accept work on farms or in quarries, if such work is available. If any are permitted to enter for this purpose, they would most likely be "endorsed out" after leaving that particular employer, but this is entirely dependent upon labour requirements at the time.

We were successful on one occasion only, in obtaining a permit for a woman who wished to work as a nurse at Dr. Stals Sanatorium in the Divisional Council area, after appealing to the Chief Bantu Affairs Commissioner for the Western Cape. This woman had always lived in Stellenbosch, except for a period in another area where she trained as a nurse. She had obtained a post at Dr. Stals Sanatorium before coming to Cape Town and had written proof of this and there were no opportunities for her to work as a nurse in Stellenbosch. She was, in addition, responsible for supporting two younger sisters as her parents were dead. When she came to us she had already been "endorsed out" but this was cancelled after our negotiations. The fact that she was unable to obtain a post in nursing in Stellenbosch was probably the deciding factor.

In any event, Section A of the Reference Book should be examined to see whether the person has been authorised to proceed to either area from their place of domicile, for any purpose. For employment purposes, such authorisation, which involves the approval of the District Employment Officer in the place of domicile, the local authority here and the approval of the Regional Labour Bureau for the Western Cape (which office is in Standard House, Observatory), must be obtained before the African comes to the area. It used to be possible for employers to recruit workers from the reserves by applying for them through the local authority but unemployment and Government policy regarding Africans in the Western Cape, have put a stop to this. There are, too, areas in the country which have been declared "closed" areas because the farmers in those areas complained about a shortage of labour, and labour cannot be recruited from such areas at all. There are the occasional exceptions already mentioned in the Divisional Council area.

Until a year ago, we used quite frequently to advise men and women who had entered the area without the required prior authorisation, to obtain offers of employment while they were here. We used then to write to the prospective employer, explaining the procedure to be followed. The worker would then have to return to the place from which he had come, taking a copy of the employer's letter with him to show to the Bantu Commissioner (ex officio District Employment Officer)/

Officer) there, and the employer would post the original to the local authority. He would also be required to deposit the worker's return fare with the local authority to ensure that he was "repatriated" at the expiry of the contract. We have known of few such applications which have been successful. The last woman to obtain such a permit - whose case we handled - was in May 1960. The story of one of our cases will illustrate the difficulties involved.

Though Mr. N. had worked in Cape Town before, he had lost his right to return and he therefore fell into the same category as those who have never been to Cape Town before.

Mr. N. worked for Employer A in Cape Town for nine years. He left this firm during 1958 and took up employment with Employer B. While working for Employer B, he became seriously ill and his doctor advised him to spend a year or more at his home in Cofimvaba. He therefore left the area in June 1958. His wife who had also been working in the area, left with him.

In May 1960, Mr. N. came back to the area with his wife, neither of them having obtained permission to do so, and because they had been away from the area for over a year, Mr. N. was refused permission to remain and work here and was advised to return to Cofimvaba for the necessary permission, but his wife was given permission to remain provided she took a "sleep-in" job.

Employer B was prepared to take Mr. N. back and he left for the Transkei with a letter from this employer offering him employment. This was in June 1960. After a month away, he came back with the required permission to work for Employer B, only to find that they had been unable to wait so long for him and had filled the vacancy a few days earlier.

Mr. N. then obtained an offer of employment from Employer A again and we appealed to the Registration Office to allow him to accept this offer. Because the permission he held to come to Cape Town was dependent upon his obtaining employment with Employer B, permission was refused and Mr. N. had to go to Cofimvaba for the second time to obtain similar permission to work for Employer A. He left Cape Town at the beginning of August, made the application through the Bantu Commissioner at Cofimvaba and after waiting in vain for three weeks, came back to Cape Town without a permit: he was desperate as the trader from whom he had borrowed £25 when he was there before, was pestering him for repayment.

We made representations to the Registration Office again on his behalf and the officials were sympathetic but they were unable to waive the regulations and advised us to refer the matter to the Regional Labour Bureau with an assurance that if the latter authority agreed, they, themselves, would permit Mr. N. to take up employment with Employer A. The Regional Labour Bureau refused and insisted that Mr. N. obtain the necessary permission before coming to Cape Town.

Unfortunately, Employer A was no longer able to keep the vacancy open as he had done for the previous three months and Mr. N. had therefore to obtain another offer of employment. He obtained an offer from Employer C. Before he left the area the Registration Office assured us that immediately the application came through they would expedite the issue of a permit from their end. The Regional Bureau also gave the impression that compliance with the law was the only difficulty and that once Mr. N. had obtained the appropriate permit, there would be no further difficulty.

Within a week of Mr. N's departure, the Registration Office informed us that the application from the Bantu Commissioner at Cofimvaba and from Employer C had gone through but that approval had still to be obtained from the Regional Bureau. Later, they told us that the application had been refused by the Regional Bureau, their reason being that over 300 Coloured men were unemployed in this area and they said that Employer C should employ one of them in place of Mr. N. We then appealed to the Regional Labour Bureau, reminding them of their assurances and the trouble Mr. N. had taken to comply with the law and telling them of the debts which he had incurred in making three journeys to the Transkei. (The return fare costs R24 on average). The Regional Bureau then enquired of Employer C whether a Coloured man could not do the work but he said that the rest of his staff was African and he feared that one Coloured man would possibly not be happy working with Africans only and would therefore not stay long.

In the middle of January 1961, the Regional Bureau finally gave permission for Mr. N. to come down to work for Employer C.

All this time, Mrs. N. had remained in Cape Town working but her employer left Cape Town in February 1961 and when she applied for a permit to work for another, she was "endorsed out". We appealed on her behalf and we understand that another permit has been granted.

This story is not, by any means, exceptional. Such difficulties are the inevitable result of the fact that a number of Africans have no right to work anywhere.

Towards the middle of last year, several men came to us who appeared to have the necessary authorisation to proceed to Cape Town but who had been "endorsed out" on arrival here. The authorities told us that these were forged permits and the men, themselves, told us that they had paid 10/- each for them, though they were unaware that this was not lawful. The local authority was unable to permit them to remain though the men had come to Cape Town in the belief that they had fulfilled the requirements of the law, and they had to leave the area at their own expense. Illegal entrants into the area are not considered to be the responsibility of the local authority concerned or of the Department, even where there has been a misunderstanding.

2. Those who wish to visit either area.

All those wishing to obtain permission to visit for more than seventy-two hours must obtain "approved accommodation", that is, accommodation in one of the locations. They should also have obtained permission from the Bantu Commissioner in the place from which they have come, to proceed to the area. A woman is, in addition, supposed to produce satisfactory proof that her husband, or, in the case of an unmarried woman, her father, has been resident and continuously employed here for two years or more. Unmarried women, under the age of twenty-one must also have the permission of their parent or guardian to leave their home.

Married women who enter the area without prior permission, are usually "endorsed out" within two weeks of reporting to the Registration Office here. If they have obtained permission to proceed to Cape Town, their husband's employment record and his general conduct, are taken into consideration in determining the period for which permission is granted. Usually a permit is granted /

granted for three months if the husband's record is considered satisfactory, and extensions may be granted thereafter if there are satisfactory reasons. If medical treatment is required, permission to visit for this purpose depends upon whether urgent and/or specialised treatment - which may not be obtainable in the country - is required. Incidentally, officials pay more attention to medical certificates from hospitals than from private doctors.

We have been able to help in this type of case quite often. First, we advise women to obtain medical certificates and then we write, on their behalf, to the appropriate Registration Office, detailing the circumstances. If children require medical treatment, their mothers are usually permitted to remain to be with them.

No women may now enter the area to reside here permanently, even if their husbands qualify for permanent residence. Only wives of men who "qualify" and who have "ordinarily resided with" their husbands, are permitted so to reside. The administration do not appear to have fixed a date at which the women must have been residing here with their husbands. At any rate, it is unlikely that a wife would be allowed to remain unless she had been here at least before 1955. Some officials say "it depends upon whether she has a home in the country"; others say "she must have been living here for the last six or seven years" and yet others say "she must have been here since 1952". One thing is certain and that is that should her right be in the balance at all, she is likely to lose it if she leaves the area for any length of time.

3. Those who have been to either area before, who will be permitted to re-enter either area respectively.

Men or women workers who wish to return to the area, must return within a year and to work for the last employer for whom they worked, in the same class of work in which they were employed before, and they must not have been employed outside the area during the period away. If they fail to fulfil any of these conditions, no matter what the circumstances are, they lose their right to return. The following examples are quoted to illustrate these conditions:

1. A man who had worked in Cape Town since 1926, when he went home on leave in 1958, found that his wife was seriously ill and he was unable to return until September 1960. Although his last employer wanted him back he was not permitted to remain in the area.

2. A man who was born in the area was refused permission to return after working on the mines between 1957 and 1961.

3. A man who had worked in Cape Town since 1936, found, on his return from leave in June 1961, that his last employer, a building contractor, had no work for him and he was therefore "endorsed out" of the area.

Such people usually get an endorsement in Section A of their Reference Books, saying "To report to the District Employment Officer at by" if they have come from a reserve area but if they have come from another town, "Not permitted to take up employment in or remain in the proclaimed area of the Cape Town City Council/Cape Divisional Council".

If a person has been "endorsed out" because of failure to obtain employment
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with the last employer, one can try to assist by telephoning the last employer, explaining the law to him and asking him to try to place the African concerned for a week, at least, merely to comply with the law. If he agrees to do this - even if there is no real vacancy - after working for that particular employer for, say, one week, he can be placed in the Labour Bureau where he has a second chance of obtaining a permit to work here. If employers are willing to place workers temporarily in this way, they should give the African a letter to take to the Registration Office stating, simply, that they will re-employ the worker. We have been able to help many cases in this way.

Apart from the irksome nature of this provision to employees, it is interesting to note a few remarks made by employers which show their reactions:

1. One, when asked to employ a third worker within a week, said, "Why am I put in this position? I don't know what to do. I've already taken on two temporarily though I have no work for them. But I cannot refuse to take this third one; my conscience will not permit it. You try and get him a temporary permit for a week and then I can try to take him on after I have dismissed the other two".
2. "I have no vacancies. I cannot pay him but I would like to help him. I'll just register him for a few days".
3. "Much as we would like to help, we cannot as we discharged 70 men (labourers and tradesmen) during the last two weeks".
4. "We can't organise our factory to suit the law".

It should be noted that workers are not, even if they are offered work with employers other than their last in the area, allowed to accept it. In fact, all recruitment and acceptance of work, other than for those who "qualify", and are permitted to seek work for themselves, must be done through the labour bureau. In the Divisional Council area, we understand, no workers are allowed to seek work for themselves.

Last year, when unemployment was not as acute as it is now, we used, when we knew of an employer who wished to employ a certain African, write to the employer and ask him to apply for the man concerned through the labour bureau; at the same time, we gave the African a letter to take to the Registration Office, asking that he be placed in the labour bureau again in order that the employer might apply for him. We can no longer do this as the period in the labour bureau will not likely be extended and employers are compelled to take whatever labour is offered them by the local authority.

In only one instance this year was the requirement that an African must return to his last employer in the area waived and that was because the employer, who had given him a letter promising him re-employment on his return from leave, refused to re-engage him as he had employed another in his place. The Registration Official with whom we negotiated considered that the African should not be penalised for the employer's breach of promise. Generally speaking, however, if the last employer will not re-employ the worker, no assistance can be given.

Incidentally, we have asked the local authorities to give us the numbers they have /

have had in the labour bureaux over several months this year but we were told that it was not policy to disclose these figures. Unofficially, we have been told that the numbers have increased from about 500 in April to 700 at present. The officials had complained of a surplus in June last year too. These figures only indicate a trend, because men are usually "endorsed out" after fourteen days in the bureau, and those who "qualify" are not compelled to report to the labour bureau for employment.

As has already been said, women who wish to return to the area for the purpose of residing, are not permitted to do so unless they have "qualified" beforehand and it can be proved that they did not set up residence elsewhere. The cases of two women who were not permitted to return to reside, will illustrate this:

1. A woman who was born in the area, and was married to a man who had worked here since 1944, and for one employer for eleven years, was, on her return after seven years away, given a temporary residential permit for three months only.

2. A woman who had lost her husband in 1941 but who had herself lived in the area from 1940 continuously up to August 1960, was granted a temporary residential permit only (valid for three months) on her return to the area in June 1961.

4. Those who are already in the area, who may be "endorsed out".

Those who "qualify" to reside here permanently, may be "endorsed out" if they have been sentenced to a fine exceeding £50 or to imprisonment for a period exceeding six months, or if they are deemed idle or undesirable or if their presence is deemed detrimental to the maintenance of peace and order or if they have failed to observe the regulations issued by the local authority governing the terms and conditions of their residence.

Those who do not qualify for permanent residence, but who have been permitted to enter from time to time, to meet labour requirements, may be endorsed out at any time on any pretext. If after leaving an employer, the local authority has no cause for complaint about their conduct, they are usually placed in the labour bureau for fourteen days and if not placed in employment during this period, they are "endorsed out". If, however, they have committed any offence or if their last employer has made any complaint about them or if the local authority considers them undesirable in any way, they will most likely be "endorsed out" forthwith. Examples of the way this operates are as follows:

1. A man who had had a good employment record, had asked his last employer for a small increase in wages, had been assaulted by his employer who had subsequently endorsed Section B of his Reference Book saying "Refused to work" and the local authority "endorsed him out" on the strength of this.

2. A building labourer was "endorsed out" after his foreman had complained that he did not want to work.

3. A man who had been involved in organising the other workers at his place of employment, to ask for higher wages, was "endorsed out". The official to whom we appealed said "He's a politician and we don't want politicians here".

4. A man was refused a period in the Labour Bureau unless he moved to the Bachelor Quarters in Langa, although his wife was in the area at the time and he was staying with her outside the location.

5. A man who, it was alleged, had destroyed his Reference Book during March last year, was refused a period in the Labour Bureau.

When a man is placed in the labour bureau, his Reference Book is endorsed to the effect that he must report there daily. If he fails to do this, he is likely to be "endorsed out" unless he can produce proof, within a reasonable time, that he was ill or if there is some other satisfactory reason. We have had cases where, although men have found offers of work for themselves, and their time in the labour bureau has not yet expired, they have not been allowed to accept the employment and have been "endorsed out" forthwith. There is special accommodation for the bureau in Langa but in Nyanga East, men must queue up outside and wait at a window for attention. There is no labour bureau as such for women: the Registration Office tells them of any employment offers that have been received or permits them to accept offers they obtain themselves. Women who do not "qualify" are, however, always in a precarious position in that they are now frequently "endorsed out" after leaving their last employment or if there has been a break in their employment, for pregnancy, for instance, when they are seldom permitted to remain in the area after their confinement. The tendency has been to extend permits for shorter and shorter periods until they are given one month's notice to leave. No assistance can be given by case workers in these cases unless urgent and/or specialised medical treatment is required by them or their children.

5. People who have no money for fares to leave the area when "endorsed out".

We have made inquiries of the Bantu Affairs Commissioner for the Cape Peninsula about rail warrants for men or women who have been "endorsed out" of the area, for any reason, but who are not able to pay the fare to go. It appears that only those who are considered by the Department to be indigent, will be furnished with rail warrants for this purpose. This means, in fact, that only disabled men or women or women who have come to the area to look for their husbands (but have failed to find them) and therefore have no means of support, are considered indigent. Able-bodied men, we are told, cannot be considered eligible for rail warrants as they can always obtain a contract to work on the mines or on the sugar estates in Natal, for which transport costs are advanced to them. If a man has been in jail for, say, theft for a year or more, however, he is considered by the Department to be indigent as he would likely be considered unsuitable for employment on such contracts.

FOREIGN AFRICANS

The Government's policy is that all Africans from territories outside the Republic should return to the territory from which they came, except for those from the Protectorates, who may be permitted to remain. During 1959, the Bantu Affairs Commissioner for the Cape Peninsula was told that all such Africans

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