

POPULATION REGISTRATION

WHAT A COLOURED PERSON MUST DO

1. What is a Coloured person:

The Population Registration Act says that a Coloured person is "a person who is not a White Person or a Native".

A "Native" is defined as a person who is a member of any aboriginal race or tribe or who is generally accepted to be such a member. And a white person is defined as a person whose appearance is obviously white, or who is generally accepted as a White person.

Therefore: If a person is not a Zulu or a Msutu etc. and he is not generally accepted as a Zulu or Msutu etc. then, if he is not a White person, he must be Coloured.

This is a question of fact which must be decided in Court. It is not a question of the opinion of some Government official. In general, a Coloured person should have little difficulty that he is not a member or generally accepted as a member of an African tribe.

2. The Director's Powers

The Director of Census is obliged under the Act to make a register of the population. He gets the information for this register from the 1951 Census and no one commits any offence by failing to put his name on the register.

Having placed a person's name on the register the Director is bound under Section 5 to classify that person as White, Coloured, or Native.

The only right of enquiry which the Director has is that he may ask any person whose particulars he has obtained from a census form, for evidence as to the correctness of those particulars. (Section 12). The person required to supply such evidence does commit an offence if he does not supply the evidence, but the Act does not allow the Director to demand that he should give the evidence in any particular way or at any particular time or date. Therefore, if the Director or any person acting under his authority asks for such evidence, the person who is to give the evidence can do so within a reasonable time at his own convenience and can do so in writing if he pleases.

From this it will be seen that the principal method by which it is hoped to make the Act work is to charge people with a failure to carry identity cards which is made an offence, and not to charge people with failing to put their names on the register which is not an offence.

No Coloured person therefore is compelled to leave his work or to submit to be conveyed to any place at the behest of the Director in order to be examined physically or to be cross-examined.

3. Right of Appeal

In any case, whatever the decision may be of the Director or someone appointed by him, that decision is not final. Under Section 11 any person who feels that he has been wrongly classified may at any time object in writing to the Director against his classification. No deposit is required for such an objection. The Act does provide in one case for a deposit of £10 but this only applies when one person is objecting to the classification of some other person.

Every objection must be in writing and filed in duplicate with an affidavit which sets forth the grounds on which the objection is made and the Director is compelled to refer every such objection to the Board appointed in terms of the Act.

Every objector is entitled to appear before the Board either personally or through his legal representative, to cross-examine witnesses and lead evidence. When the Board reaches a decision, even that decision is not final and binding on the objector who may within 30 days appeal against the decision to the Supreme Court and from the Supreme Court to the Appeal Court.

4. General

It should be remembered that a classification of a person into a race other than his own is not final and that it can be objected to at any time. Such a classification also does not seem to have any effect for any purposes other than the registration of the population.

SOUTH AFRICAN INSTITUTE OF RACE RELATIONS

POINTS RAISED BY THE DEPUTATIONS OF COLOURED
PEOPLE INTERVIEWED BY ACTION COMMITTEE ON
TUESDAY, 16TH AUGUST 1955.

These representatives had contacted the Institute separately but were interviewed collectively.

1. Mr. Lollan. (Transvaal Secretary of the South African Coloured People's Association. Chairman: Mr. Adam Daniels).
 - (a) His association had not been able to contact any Coloured person who had been arrested. He thought the reluctance of Coloured people to say they had been classified as Africans arose out of a deep sense of shame.
 - (b) His association had confirmed :-
 - (i) that officials of the department of Census and Statistics had visited local factories and told Coloured employees to present themselves at the government pass office for classification.
 - (ii) that the police were standing at entrances to the Railway station and accosting Coloured men as they came off the trains.
 - (c) They also believed that the police were arresting Coloureds of doubtful appearance and asking for their passes.
 - (d) When classified as Native the Coloureds were given a form telling them to get a pass at the Pass Office.
 - (e) An attorney, Mrs. S. Muller, was acting for his association and was investigating a number of cases.
 - (f) They had obtained a legal opinion from Advocate Fisher.
 - (g) His association had prepared a leaflet asking the Coloured people to contact them. They had also prepared a form which individuals could complete and submit to the Director of Census appealing against their classification
2. Mr. Thorne. (Secretary, B.E.S.L. Coloured Section) (accompanied by Mr. Lilienfeld).
 - (a) A number of Coloured ex-servicemen had complained that as from 5th August they had been stopped at the Railway Station, while on their way to work, taken to the Pass Office in pick-up vans, finger-printed and questioned. Some had to spend many hours there, without their employers or families knowing their whereabouts. Questions asked /...

asked concerned parentage, church association, address, etc.

They were then given a form:

- (a) stating classified as a Coloured, or alternately
- (b) stating could not be classified as European or Coloured and must take out a pass.

- (2) He only knew of one Coloured, classified as an African, who had taken out a pass. He was married to an African, lived at Noordgesig and was ^bviously Coloured. His children attended the Coloured school.
- (3) He knew of cases where Coloured men, married to Coloured women, had been classified as African.

4. Mr. Hamilton. (Railway employee. Referred by Fr. Guinness of Sophiatown).

- (1) Outlined his case and that of a friend Mr. Vickerman.
- (2) The supervisor of the Railway Laundry had asked that his men be classified as he had heard of Coloureds being arrested.
- (3) Half of the men at the Railway Laundry had been classified as Africans.
- (4) If objections were raised to the classification they were told to appeal to an address in Schoeman Street (the Census Office) within 14 days.
- (5) A number had appealed, including Mr. Vickerman, and only one had been re-classified Coloured. Mr. Vickerman had been told that it was unfortunate that his wife was African,
- (6) The Native Affairs Department used to give Coloureds of doubtful appearance a letter stating they were Coloured. This was not accepted by the Census officials. (Mr. Lollan stated it had never been recognised by other government departments).
- (7) With Fr. Guinness he had interviewed a solicitor, Mr. Blum, and had been referred to an attorney, Mr. Friedlander, but had not yet seen him.

Thursday went to Pass Office -

Asked what went to do.

? Room 7 - No card.

? Pass Right - been out up

? Camp - yes in P.A.

? Culinary - no

? Col to Afr. - Africa

? Annual - yes

? Board - no not yet

? Main - 1000 - 1000

hour with

pick up

Picked up native

Called man

What is

the supervisor of the railway had stated that the men

he classified as being of African descent.

Half of the men at the railway railway had been classified as

Africans.

It appeared that the men were of African descent.

1) 1 col - case - tax

2) 4

3) 4

4) 4

5) 4

6) 4

7) 4

8) 4

9) 4

10) 4

11) 4

12) 4

13) 4

14) 4

Is dit gesond en wetenskaplik suiwer dat 'n persoon vir een doel naturel is en in ander omstandighede dit nie is nie? Moet 'n mens naturel wees om dié drank in die hande te kry nie, of nie op 'n trein tussen die blankes te ry nie, terwyl jy, dieselfde mens, origins nie naturel is wanneer dit by 'n regstelsel te pas kom nie? Is 'n perd dan vir die doeleindes van 'n kar trek 'n donkie, maar vir die doeleindes van 'n tentoonstelling 'n muil?

Let op die volgende inkonsekwensies waarheen ons wetgewing in dié verband voer, inkonsekwensies wat die naturel net op die wit en dan op die swart vierkant van die skaakbord laat beland, veral na aanleiding van ons houe se bokspronge om tred te hou met die uiteenlopende wetlike omskrywings:

- (i) In 1889 beskou die Kaapse Hooggeregshof die afstammeling van 'n blanke en 'n Grikwa as 'n naturel - hy kon daar dus nie drank koop nie.
- (ii) Ses jaar later is iemand wie se vader 'n blanke en wie se moeder van gemengde afkoms is, in die Oostelike Provinsie nie 'n naturel nie - hy kon daar dus drank koop.
- (iii) Vandag sal enige van hierdie twee persone 'n naturel wees om grond in die Naturellereserwes te bewoon en 'n plakkerdienskontrak aan te gaan - maar die naturellereg sal nie op hom van toepassing wees nie.
- (iv) In 1899 is die kind van 'n Hottentot-moeder en vader van onsekere afkoms 'n naturel. Vandag sal ons houe hom nie bra kan plaas nie.
- (v) In 1907 beslis die Natalse hof dat die seun van 'n blanke vader en Zoeloevrou 'n naturel is - hy kan daar dus nie drank koop nie.
- (vi) In 1940 verklaar ons Appélhof dat hierdie seun se suster ook 'n naturel is vir die doeleindes van grondbesit in Natal, maar dat sy beslis nie 'n naturel is vir die doeleindes van grondbesit in die Unie se naturellereserwes of vir die doeleindes van die Unie se Drankwet nie. Sy sou dus drank in die Unie kan koop, maar nie in Natal nie!
- (vii) In 1912 verklaar die Kaapse hof dat „a slight mixture of blood does not move a man from the category of native." Maar in 1946 beslis dieselfde hof net die teenoorgestelde.
- (viii) En in 1953 word weer in die Oostelike Provinsie beslis dat 'n bietjie gemengde bloed nie verhoed dat iemand blank bly nie!
- (ix) Maar intussen is in 1946 deur die Appélhof verklaar dat die kind van 'n blanke vader en naturellemoeder nie 'n naturel is nie, omdat suiwere rasse-oorsprong vereis word om naturel te wees.

Kortom: die geringste mate van blanke bloed maak van iemand 'n blanke; maar die geringste mate van kleurlingbloed maak ^{nie} van iemand kleurling nie.

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