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TELEGRAM NO. 21, DATED THE 14TH JUNE 1950, FROM THE GOVERNMENT OF THE UNION OF SOUTH AFRICA, TO THE GOVERNMENT OF INDIA.

In the same spirit as prompted your telegram No. 29052 of the 9th June the Union Government would offer the following observations upon the contents of that telegram:—

- 1 (A) The words "in the course of the preliminary talks at Cape Town" appearing under (A) of the second para. of my telegram No. 19 of the 8th June were of course intended Government's intentions with regard to the contemplated Group Areas Bill was given privately and separately to the leaders of the Indian and Pakistan Delegations at a time when the Preliminary Conference was in recess.
- (B) What the leader of the South African Delegation told Dr. Kunzru (the Indian leader) is set out in my telegram mentioned above.
- (C) The explanation of the Union Government's intentions concerning the introduction of the Group Areas Bill given at the time in question by the South African leader would obviously have served no purpose at all had it not been the desire of the Union Government to proceed with the measure at an early date. The explanation could otherwise have been given at the Round Table Conference itself. Indeed the time factor was thought to be vital since the passage of the Bill with its concomitant of the removal of discrimination alleged by India coupled with the knowledge that it would probably ultimately replace the Asiatic Land Tenure and Indian Representation Act 1946 (as amended), would contribute greatly to the salubrity of the atmosphere in which the Round Table Conference would be held.
- (D) As to the contention of the Government of India that had it known that a measure of the nature of the Group Areas Bill was in contemplation it would immediately have emphasised the potential danger of such a measure to the prospects of the Round Table Conference, I can, apart from the considerations mentioned in (A), (B) and (C) above only invite the attention of the Government of India to the terms which it was mutually agreed would govern the discussions at the Round Table Conference. Those terms were expressed in the final communique issued on 16th (20th?) February 1950, as follows:
 "It was agreed that neither the discussions under this formula nor the holding of the Round Table Conference itself

would involve any departure from, or prejudice to, the standpoints of the respective Governments in regard to the question of domestic jurisdiction".

At no time has the Government of India intimated its dissent from either the proposed formula or conditions governing it.

In effect the Government of India was prepared to participate in a Round Table Conference to discuss the "Indian Question" despite the existence of the Asiatic Land Tenure and Indian Representation Act of 1946, as amended, and other laws affecting Indians, subject to the understanding mentioned above and the position would be the same despite the Group Areas Bill of which in any case the Government of India had prior knowledge.

It might appropriately here be observed that apart from removing the alleged discrimination as far as Asiatic Land Tenure is concerned the Bill has a further purpose in the interests of all sections of the people. It will give effect to a principle which public opinion and some Government-appointed Commissions have advocated for the past sixty years, namely to provide separate areas for the different groups of races for the purpose of removing the danger of friction which the existing residential juxtaposition constitutes in our multi-lateral population and thereby pave the way for harmony between all sections. That a very real danger exists has been tragically confirmed by experience of the past and quite recently by the Durban Riots. It is a long term measure designed to bring about the change gradually.

2. The force of the Government of India's argument with regard to its unilaterally imposed trade sanctions is not readily apparent. Surely the effect which the Government of India no doubt intended they should have at the time it was decided to apply them loses nothing by the passage of time. On the contrary is not psychological effect of their indefinite continuance as between otherwise friendly and related States likely to be increased?
3. With regard to the contention raised in para. 3 of your telegram under reference it would of course have been possible for the Government of India to propose and for the Round Table Conference to consider any matter whatsoever falling within the terms of the agreed formula.
4. In conclusion the Union Government would re-affirm its willingness to proceed with the Round Table Conference

upon the basis mutually agreed upon in February last should the Government of India be prepared to reconsider their decision not to participate.

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TELEGRAM No. 2793, DATED JUNE 15, 1950, FROM THE GOVERNMENT OF PAKISTAN TO THE GOVERNMENT OF THE UNION OF SOUTH AFRICA (AND REPEATED TO THE GOVERNMENT OF INDIA).

The Government of Pakistan have studied very carefully the two telegrams of 8th June received from the Union Government and regret to note that Government's inability to accede to Government of Pakistan's request to suspend fresh legislation pending the Round Table Conference. They have also seen the correspondence exchanged recently between the Government of India and the Union of South Africa concluding with latter's telegram of 26th May.

2. The Government of Pakistan are deeply concerned over the recent events which have resulted in creating a deadlock in the negotiations for the Round Table Conference. In the opinion of the Government of Pakistan the implications of the abandonment of the proposal of the Conference are grave and may be far-reaching. Not only that everything should be done to avoid further bitterness of argument and controversy which must inevitably follow abandonment but there are considerations of a compelling nature relating to the international situation that should not be ignored.

It is the conviction of the Government of Pakistan that solution of the problem of South African Nationals of Indo-Pakistan origin can be achieved only by means of a free and frank discussion between the parties concerned and mutual accommodation of views and by no other way. They therefore earnestly hope that it may still be possible to find a way out of the deadlock. They would request the Government of the Union of South Africa to postpone the enforcement of the Group Areas Bill pending discussions at the Round Table Conference. If this suggestion is acceptable to the Union Government the Government of Pakistan would very gladly approach the Government of India to reconsider their decision not to participate in the Conference.

4. The Member of the Pakistan delegation to the preliminary talks at Cape Town in February last had no recollection of any conversation in which the Leader of the South African Delegation may have mentioned his Government's intention to put through any fresh anti-Asiatic legislation before the Round Table Conference was held.

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TELEGRAM No. 23, DATED THE 22ND JUNE, 1950, FROM THE GOVERNMENT OF THE UNION OF SOUTH AFRICA TO THE GOVERNMENT OF PAKISTAN (REPEATED TO THE GOVERNMENT OF INDIA).

The Union Government thank the Government of Pakistan for their telegram No. 2793 of 15th June and are most appreciative of the spirit in which the Government of Pakistan have endeavoured to seek a solution to the apparent impasse in the negotiations for the holding of the Round Table Conference. The Union Government wish to reiterate that they are no less anxious to proceed with a free and frank discussion between the parties of the problems at issue, on the basis of the formula agreed upon at the February talks.

2. The Government of Pakistan have suggested that the enforcement of the Group Areas Bill might be postponed pending the holding of the Round Table Conference. The Government of the Union in their telegram of the 26th May (para. 2) have already clearly stated their attitude towards the request of the Government of India for the postponement of Legislation. The Union Government are able to state however that it is unlikely that the provisions of the Bill relating specifically to the proclamation of Group Areas will be brought into operation before December and in this regard they would recall that they have suggested that the Round Table Conference might meet on a mutually convenient date between 15th September and 15th November of this year. The Union Government would hope therefore that it would still be possible to hold the Round Table Conference during this period.

3. As regards para. 4 of your telegram the Union Government's understanding of the position is that the leader of the South African Delegation privately and individually and on separate occasions gave an explanation in general terms to Dr. Husein and to Pandit Kunzru of broad purport of the Group Areas Bill. The Bill had been mentioned in the Speech from the Throne on January 20th (i.e., before the Cape Town talks began) as one of the measures which would be introduced during the current session. The Speech from the Throne was reported upon in all important local newspapers. Duty as well as courtesy therefore required that Dr. Donges should mention its purport in general terms.

(For attention of Government of India only).

4. The Union Government have noted a Press report of a speech by Pandit Kunzru to the effect that even if South Africa deferred

action on the Bill until after the Round Table Conference such decision would make no difference to the Indian Government. As press reports can frequently create misleading impressions, in order to clarify the issue the Union Government would be grateful if the Government of India would be good enough to indicate whether Pandit Kunzru was correctly reported and if so whether his statement represents the official view of the Government of India.

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TELEGRAM NO. 29065, DATED 30TH JUNE 1950, FROM THE GOVERNMENT OF INDIA TO THE GOVERNMENT OF THE UNION OF SOUTH AFRICA.

Government of India have considered carefully Union Government's telegrams No. 21 of 14th and No. 23 of 22nd June.

Before dealing with question whether India should participate in Round Table Conference because "it is unlikely that provisions of Group Areas Bill will be brought into operation before December", Government of India wish to comment on point taken in Union Government's telegram dated 14th June, that India had, when agreeing to proposed Round Table Conference, knowledge of Union Government's intention to pass such measure before conference. As they have already stated, no such intimation was given to their delegation to Preliminary Conference at Cape Town. Leader of Indian Delegation to that Conference, Dr. Kunzru, has confirmed again, since despatch of our telegram No. 29052, dated 9th June, that he did not get impression from his talks with Dr. Donges that passing, before Round Table Conference, of Bill on these lines was intended. Attention of Government of India was not drawn to Speech from Throne delivered on January 20th until receipt of your telegram of 22nd June. Government of India must, therefore, decline to accept suggestion that, when they agreed to Round Table Conference, they had knowledge of Union Government's intentions regarding Bill. In this connection, they would like to invite Union Government's attention to statement in Pakistan Government's telegram No. 2793, dated 15th June, that Leader of Pakistan delegation had no recollection of any conversation in which the Leader of the South African Delegation may have mentioned his Government's intention to put through any fresh anti-Asiatic legislation before the Round Table Conference was held.

The passage of the Group Areas Bill has caused widespread public resentment in India and among South African Nationals of Indian origin in the Union. Had the Union Government acceded to

Government of India's request to postpone new anti-Asian legislation until after Round Table Conference, not only would public feeling in India have been more hopeful of outcome of conference but consideration by Union Government Representatives of proposals of Government of India for removing instead of tightening restrictions on nationals of Indo-Pakistan origin would have been easier. As the Government of India have pointed out in previous correspondence, new legislation is clear indication of Union Government's decision to adhere to their declared policy of *apartheid*. In the circumstances, Government of India maintain their contention that proposed Round Table Conference, if now held, will be one-sided seems fully justified and they feel constrained to reaffirm that no useful purpose would be served by their participation in it.

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TELEGRAM, DATED 1ST JULY, 1950, FROM THE GOVERNMENT OF PAKISTAN TO THE GOVERNMENT OF THE UNION OF SOUTH AFRICA.

Government of Pakistan thank Union Government for their telegram No. 28, June 22nd. They note that provisions of Group Areas Bill specifically relating to proclamation of Group Areas are unlikely to be brought into operation before December.

2. From latest telegram of Government of India on this subject Union Government will have seen that this statement does not go nearly far enough. In requesting Union Government to agree to postponement of enforcement of Bill pending discussions at Round Table Conference the Government of Pakistan had hoped that it may be possible for Union Government to give a more definite assurance on this point and thus help to restore confidence in utility of proposed Round Table Conference. In other words acceptance by Union Government of Pakistan Government's request would indicate that parties were prepared without prejudice to sit down to Round Table Conference with an open mind and to carry on discussions freely and frankly on widest possible lines as agreed to in Agenda as a necessary corollary it would follow that Union Government would be prepared to revise or modify their policy which forms basis of Bill in question and of previous anti-Asiatic legislation should discussions at Round Table Conference indicate more satisfactory alternative method or methods of approach to problem. The Union Government will appreciate that unless some basis of minimum understanding exists there will hardly be any point in holding a Conference. So far as Government of Pakistan are concerned such a basis is implied in Agenda itself.

3. The Government of Pakistan very much hope that it may be possible for Union Government to clarify position in light of what has been stated in para. No. 2 above to enable this Government to approach Government of India to reconsider their decision not to participate in Conference.

4. As regards para. No. 3 of Union Government's telegram, Government of Pakistan regret to say that text of speech from Union referred to in telegram did not come to their notice before receipt of Union Government's telegram under reference.

XXIX

TELEGRAM FROM THE GOVERNMENT OF INDIA SENT ON 7TH JULY 1950, TO INDIA DELEGATION TO THE UNITED NATIONS FOR COMMUNICATING TO THE SECRETARY-GENERAL, UNITED NATIONS.

Question of treatment of Indians has been before the General Assembly since 1946 and in the last resolution of General Assembly, dated 14th May, 1949, Government of India, Pakistan and South Africa were invited to enter into a discussion of the issue at a Round Table Conference, taking into consideration purposes and principles of the Charter of the United Nations and Declaration of Human Rights.

2. In pursuance of this resolution the Government of India in July, 1949, initiated correspondence asking the Government of South Africa when and where such Round Table Conference could be held. The Union Government insisted on preliminary talks, with a view to drawing up the agenda for the Round Table Conference. These talks were held at Cape Town in February, 1950, at which it was agreed "to convene a Round Table Conference to explore all possible ways and means of settling the Indian question in the Union of South Africa". This covered two concrete items of the Agenda, which the three delegations had agreed to discuss at the Round Table Conference:

- (1) "Reduction of the Indian population in South Africa" (proposed by South Africa); and
- (2) "Removal of political, social and economic disabilities of South African nationals of Indo-Pakistan origin and the provision of opportunities for their fullest development" (proposed, jointly, by India and Pakistan).

3. Even before these Preliminary Talks, the Union Government had resorted to new anti-Indian measures in South Africa. This was brought to the notice of the Secretary-General by the Indian Delegation to the United Nations in July and September, 1949. After the Preliminary Talks, severity of action against the Indians was further intensified and executive action under the Asiatic Land Tenure Amendment Act, 1949, was vigorously pursued.

4. Government of India, on 5th April, 1950, requested Union Government to postpone executive action under the Asiatic Land Tenure Amendment Act, 1949, refrain from extending this Act to the Cape Province and not introduce any legislative measure which would add to the disabilities of Indians, pending the proposed Round Table Conference. Pakistan Government made a similar request to South Africa. In the correspondence that followed, Union Government have refused to accede to India's request and the Group Areas Bill, which the Government of India were most anxious to have postponed, was rushed through Parliament and has now become law.

5. This law enables the Government of South Africa to establish areas for exclusive occupation or ownership of any single racial group. No person from outside the group can occupy land or premises without permit one year after notification of the group area. Trade licences would be issued or renewed only on proof that applicant can lawfully occupy premises in the particular group area. There are substantial reasons to suggest that this enactment is primarily aimed at Indians in the Union, who, being mainly engaged in trade and business in various parts of the country, would thus be faced with disaster.

6. Government of India, in the correspondence with Union Government, suggested that if the Bill could not be postponed pending Round Table Conference, the conference might be held immediately, but even this request was not accepted by Union Government.

7. It was clear from replies received from Union Government that South Africa was bent upon proceeding with its policy of *apartheid* or segregation, which the Government of India have consistently opposed for over last half century, and which is against the provisions of the Charter of the United Nations and the Declaration of Human Rights. They have, therefore, had to inform South Africa that they could not participate in such a Conference.

8. The position of Indians in South Africa, the Government of India urge, has, therefore, not improved in any manner since the issue was last discussed at the United Nations. Their treatment continues to be a serious violation of the purposes and principles

of the Charter of the United Nations and of the Declaration of Human Rights. The position of the Indian community has, if anything, deteriorated, now, as a result of the Group Areas Act and the intensification of the Union Government's policy of racial segregation.

9. The Government of India desire that the United Nations should take note of these facts and take appropriate steps to ensure that the treatment of Indians in South Africa conforms to the principles of the Charter of the United Nations and the Declaration of Human Rights. They would, therefore, be grateful if you would kindly place this subject on provisional agenda of the 5th session of the General Assembly.

A copy of memorandum on developments subsequent to the resolution of the General Assembly passed on the 14th May, 1949, will follow."

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