

FIRST SESSION : 10TH JULY, 1954 AT 10 a.m.

CHAIRMAN: Dr. G.M. Naicker presided.

PROCEDURE

OF WORK: After taking the Roll Call, adoption of agenda and Standing Orders, confirmation of Credentials Committee and election of Resolutions Committee and adoption of the minutes of the 20th Annual Conference of the South African Indian Congress held at Johannesburg on the 25th, 26th and 27th January, 1952, the Joint Hon. Secretaries report was read.

The Report was discussed by Conference, and the following resolutions were adopted.

RESOLUTIONS

INTERNATIONAL: This 21st Conference of the South African Indian Congress reiterates its solidarity with the great world-wide movement for peace and declares its firm belief that all international disputes can be resolved without recourse to war. Conference notes with satisfaction the truce in Korea and acclaims in particular the part played by the Government of India in bringing hostilities to an end.

The urgent and a vital task before the peace loving peoples of the world are:

- (a) the ending of hostilities in Indo-China;
- (b) the banning of the Atom and Hydrogen bombs;
- (c) the ending of Imperial domination, military oppression and colonial exploitation,
- (d) the outlawing of discrimination on grounds of race and colour, and
- (e) The admission of the Republic of China to the United Nations.

The concrete lead given by the Republic of India on all these problems together with the bonds of lasting friendship established between the 960 million peoples of India and China, constitutes an important bulwark for world peace.

This Conference places on record the consistent support received by the people of South Africa from the democratic nations of the world in the struggle against oppression. The declarations at UN have demonstrated the realisation on the part of the member states of this International Organisation that racial discrimination is a menace to world peace.

In reaffirming our support for world peace we pledge ourselves to continue to oppose racial discrimination in South Africa as an integral part of our activities in the cause of world peace and democracy. Moved by Debi Singh,
Seconded by A.E. Patel.

INDIA-SOUTH AFRICA RELATIONSHIP:

This Conference expresses its regret at the further deterioration in the relationship between the Governments of India and of South Africa, leading to the closing of the offices of the High Commissioner for India in South Africa. We take this opportunity of thanking the people and the Government of India for their consistent support for the cause of righteousness both abroad and in the Union through their representatives.

The blame for the existing deadlock between India and the Union must be laid at the door of the South African Government, who have repeatedly frustrated the attempts on the part

of the Governments of the Republic of India and Pakistan to hold a round table conference on an honourable basis in terms of the UN. Resolutions. It was the complete disregard by the Union Government of her international agreements with treaty obligations to India which caused a breach in the diplomatic relationship between these two countries of the British Commonwealth.

Notwithstanding international censure, the Union Government has not only failed to implement the United Nations resolutions but has gone further on the destructive road of apartheid and enacted measures such as the Group Areas Act, in particular, which is completely contrary to the spirit behind the "Uplift Clause of the Cape Town Agreement. By its legislative measures and administrative actions the Union Government has repudiated the Cape Town agreement and yet it seeks to enforce expatriation of South African Indians through the Assisted Emigration Scheme.

This Conference places on record that the Cape Town Agreement was not entered into by the Governments concerned in consultation with the Indian people of South Africa and the peoples of India. The Conference is of the considered opinion that the time has now arrived for the Government of the Republic of India:

To raise the question of racial discrimination within the Commonwealth at high level talks and determine whether its membership of this body is consistent with her declared policy of eliminating racial discrimination in all parts of the world.

Moved: I.C. Meer Seconded: N.T. Naicker.

GROUP AREAS ACT:

This Conference reiterates its unequivocal condemnation of the Group Areas Act, one of the most far reaching apartheid measures of the Nationalist Government and declares that the Indian people of South Africa, will oppose this law, together with all democrats, at all stages of its attempted implementation.

Conference condemns the ruling recently given by the Land Tenure Advisory Board excluding Congresses from appearing before the Board. It regards this ruling as an attempt to prevent the true voice of the people being heard on the Race Zoning Plans.

Conference requests the incoming Executive Committee to take whatever legal steps necessary as a matter of urgency to safeguard the right of Congress, the voice of the people, being heard before the Board through its elected representation.

The Congress opposition to the Group Areas Act is based on its declared opposition to all apartheid measures and it is totally opposed to the uprooting

of any people under this obnoxious racial law. It is because of this stand that we are totally against the submission of any alternate plans to the Board, for all plans must lead to the uprooting of some people.

Conference strongly condemns the action of the Natal and Transvaal Indian Organisations in submitting plans before the Board. The Organisation is a body of a handful of individuals and its action is contrary to the wishes of the Indian people. It is the duty of Congress-men throughout the Union to oppose relentlessly any individuals who make the Act work, and expose such individuals as betraying the cause of our people.

Moved: M.M. Motale

Seconded: G.H.I. Pahad.

WESTERN AREAS OF JOHANNESBURG:

This Conference views the Nationalist Government's efforts through the force of legislation to remove the 58,000 people of the Western Areas of Johannesburg including 5,000 Indians, as one of its most ruthless and inhuman actions to implement apartheid at any cost and regards the powers given to the Minister of Native Affairs under the Native Resettlement Act as completely fascist and dictatorial.

This Conference is heartened by the steps already taken by the South African Indian Congress in conjunction with and in co-operation with the A.N.C., the S.A.C.O.D. and the S.A.C.P.O. to oppose the removal scheme and salutes the determined and courageous stand shown by the people most vitally concerned - the African people of the Western Areas.

This conference welcomes the call of the President-General of the African National Congress for 50,000 Volunteers and resolves to do all in its power to mobilise the Indian people, shoulder to shoulder with the African people, to defeat this dastardly scheme of apartheid and oppression on the first major battle field in the struggle for freedom - the Western Areas.

Moved: A.M. Kathrada

Seconded: J.N. Singh.

THE INDUSTRIAL WORKERS:

This 21st National Conference of the South African Indian Congress recognising the need for a free and unfettered Trade Union Movement of all races as an effective instrument to defend the rights of the workers of South Africa and to fight for their interests, condemns the Native Labour (Settlement of Disputes Act) and the I.C. Bill on the grounds that these measures are undemocratic, unjust and totally repugnant to the principles of Trade Unionism.

Under the provisions of the Native Labour (Settlement of Disputes) Act, the African workers, and in the final analysis, all workers, both white and non-white, will be denied the basic principle of collective bargaining.

This obnoxious legislation taken together with the Industrial Conciliation Bill is patterned on the Nazi Labour Front which was established in Hitlerite Germany.

This Conference condemns these two measures inter alia for the following reasons:-

- (1) The Government can prescribe the type of work each worker could do, and exclude workers from certain avenues of employment on the ground of race.
- (2) Non-African Unions who in the past used to demand higher wages for all workers, including African workers can no longer do so.
- (3) The right of collective bargaining will be done away with eventually.
- (4) The Industrial Tribunal and Labour Board will determine all wages to be paid to the workers in industry.

This Conference recognising the danger these two legislations represent calls on all workers and in particular all Congressmen to:-

- (a) To join their respective trade unions;
- (b) To work for the establishment of trade unions where none exist;
- (c) To organise committees in their factories so as to strengthen their trade union struggle.

This CONFERENCE RESOLVES,

to give its fullest support to the National Campaign Committee set up by the Conference called by the Transvaal Council of Non-European Trade Unions in Cape Town on 1st and 2nd May, 1954, and in consonance with this decision instructs the National Executive and the Constituent bodies of the SAIC to co-operate fully with the Trade Union Movement to secure full democratic Trade Union rights for the workers.

Moved: Billy Nair

Seconded: Jack Govender.

THE RURAL AREAS: OUR COMMON TASK.

This Conference is of the firm belief that it is an urgent and common task of all South African democrats to give serious and urgent consideration to the burning problems facing the African people in the rural areas. The policy of segregation and apartheid has hit the rural African the hardest, with the result that poverty, malnutrition and disease have become the chief feature of this land starved people.

This Conference urges the incoming Executive Committee to take immediate steps in conjunction with our allies in the National Liberation Movements to work out a

well considered plan of assisting the people in the rural areas in the tremendous tasks facing them.

Moved: Billy Nair Seconded: K. Moonsamy.

ORGANISATION OF WOMEN:

This Conference is fully aware of the important role played by women's organisation in the liberation movements the world over and is conscious of the part the women of our community are destined to play in our freedom struggle in South Africa. We pledge to support actively in the organising of the Indian women for a democratic South Africa.

Conference recalls with pride the role played by the Indian women in South Africa from the days of indenture. It was their participation in the first Passive Resistance Movement under Mahatma Gandhi which converted the struggle into a Mass movement.

Conference places on record the role played by the larger number of Indian women in resisting the Asiatic Land Tenure and Indian Representation Act of 1946, and in the recent Defiance Campaign of 1952.

Conference acclaims the formation of the South African Women's Federation and gives this body its fullest support.

Moved: Fatima Meer Seconded: Mariam Nagdee.

THE YOUTH OF SOUTH AFRICA:

This 21st Conference of the South African Indian Congress acclaims the attempt made by the progressive youth of South Africa to organise themselves in the struggle for peace and democracy.

Conference is fully conscious of the tremendous potentialities existing among all sections of the youth of South Africa and notes that they can play an effective role in the national liberation movement.

Conference undertakes to promote and assist by all means the growth and strength of the Youth Congress.

Moved: A.M. Kathrada Seconded: N.T. Naicker.

THE CAPE PROVINCE:

This Conference:

- (1) instructs the incoming Executive Committee to take all steps necessary to further strengthen Congress organisation in all the provinces of the Union: In particular, Conference requests the Executive Committee to investigate the position in the Cape Province as a matter of urgency and to take appropriate measures to enable the Cape Province to participate fully and effectively in the work and the administration of the South African Indian Congress.

- (2) requests the Executive Committee to assist the Provincial Congresses and their Branches to mobilise and encourage the greater participation of Indian women and Youth in the work of Congress as it believes that without their full support and assistance the tasks of Congress cannot be effectively embarked upon and brought to fruition.
- (3) Calls on all its constituent bodies to embark on a campaign to recruit their quota of volunteers in terms of the Call for 50,000 volunteers made by Chief Luthuli, President-General of the African National Congress.

Moved: Debi Singh Seconded: A.E. Patel.

SECOND SESSION: SUNDAY 11TH JULY, 1954 10 A.M.

CHAIRMAN: G. Hurbans.

After taking the Roll Call the following Statement of Accounts was presented and adopted by Conference.

SOUTH AFRICAN INDIAN CONGRESS

Revenue and Expenditure Account for the Period 26th
January, 1952 to 9th July, 1954

REVENUE:Levies:

Transvaal Indian Congress	300. 0. 0
Natal Indian Congress	51.16. 8

Donation:

Eastern Cape	125. 0. 0
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<u>Excess Expenditure over Income:</u>	784.13. 8
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EXPENDITURE:

Printing - "Onward to Freedom:	238. 0. 0
Printing and Stationery	267.12. 6
Telephone	137.19. 0
Telegrams, Cables, Postages etc	139. 2. 2
<u>Legal: Opinions</u>	140. 0. 0
Representations:	112. 0. 0
Travelling Expenses:	175. 0. 0

Stationery, Halls, Printing etc (Spent by Natal Indian Congress)	<u>51.16. 8</u>
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BALANCE SHEET

As at 10th July, 1954

LIABILITIES:

<u>Creditors</u>	
Transvaal Indian Congress:	293. 9. 6
Sundry Creditors (10an)	500. 0. 0
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	<u>793. 9. 6</u>

A S S E T S:

Excess Expenditure over Income:	784.13.8	
Less Balance as at 26/1/52	<u>57. 1.11</u>	727.11. 9
Cash at Bank:		<u>65.17. 9</u>
		<u>793. 9. 6</u>

HEADQUARTERS: The Conference agreed that Headquarters remain in the Transvaal.

ELECTION OF OFFICERS:

The following officials were unanimously elected by Conference:

President: Dr. Y.M. Dadoo.

Joint Hon.

Secretaries: Messrs. Y. Cachalia & D.U. Mistry.

Joint Hon.

Treasurers: Messrs. J. Nanabhai, F.Ebrahim.

TERMINATION: Conference terminated at 5 p.m.

SECRETARIAL
REPORT

THE REPORT OF THE JOINT HONORARY SECRETARIES OF
THE SOUTH AFRICAN INDIAN CONGRESS, PRESENTED TO
THE 22ND CONFERENCE, HELD AT THE GANDHI HALL,
JOHANNESBURG ON THE 1st, 20th & 21st OCTOBER
1956.

1. This conference is being held at a time when our peoples in South Africa are living under the shadow of the greatest threat to our existence which we have ever faced. That is the threat posed, under the Nationalist government, by the Group Areas Act. We had ample opportunity by now, after examining the proposals advanced by Nationalists and other supporters of the Act, at a score of hearings in various areas of the Group Areas Board, to see for ourselves exactly what is meant and intended by this Act. There is no doubt about it that the Act is aimed against all non-Europeans with the intention of still further reducing their already very low economic status and casting them into the cheap labour market. In so far as Indians in particular are concerned the Act aims, in its implementation, to :

- (a) reduce the entire community to a single level - that of low-paid unskilled labour;
- (b) to rob the commercial sections of the community of the assets, the goodwill and the property which are the fruits of generations of unremitting work, service to customers and fair-dealing; and to hand these assets over to supporters of the ruling party;
- (c) ensure a more complete monopoly of trade, safe from competition, for European commercial elements;
- (d) to isolate the Indian people socially and economically, from their fellow non-Europeans, and to enclose them into ghettos.

The struggle to resist this evil design is a matter of life and death for our people. To understand the conditions of this struggle clearly, we must consider it in its context - in the light of the political situation at home and abroad.

2. Since the last conference of our Congress the Indian people, in common with the African and Coloured peoples, have been subjected to unmitigated oppression on grounds of race and colour. These two years have witnessed the culmination of the nefarious policy of apartheid in its most naked form. Like the jackboot of the Nazis, the iron heel of the Nationalist fascist dictatorship is crushing the most sacred rights of man. Under its brutal dictates there are despicable outrages on life and liberty; there is uprooting of homes, separation of families, destruction of wealth, deprivation of means of livelihood and devastation of dignity. Never before in the history of our people has travesty of justice been so glaring, never before have we been confronted with such naked hostility from the authorities in South Africa.

3. The oppression of the African, Indian and Coloured peoples has its roots in the general exploitation of the non-white masses, who are regarded purely as sources of cheap labour. The class which dominates the economic structure of society cunningly uses the differences of race and colour for maintaining its control and has conveniently equipped the white minority with exclusive concessions and monopolies in the political, social, cultural and economic fields. Superimposition of these privileges on the fabric of South African life has consistently

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influenced the pattern of oppression. The white minority, which has the exclusive say in the election of parliament, is interested in preserving its position and sees a threat to itself in the economic advancement of the non-whites. The Nationalist Party, the most reactionary element in the body-politic of South Africa has successfully exploited the baser feelings of the white voters since 1948 and has been able to maintain power, ostensibly for the aim of suppressing and subjecting the non-white masses in the interests of the herrenvolk ideology of white 'baaskap'.

4. The Nationalists began to rule with the aid of a section of the white population whom they were able to dupe with the misleading slogan of 'Afrikanerdom'. So forceful was their appeal of subjugating the non-white people that even those whites who feared and abhorred sectional domination supported them and in so doing helped the junta of dictators to entrench themselves into power. The undemocratic Constitution of South Africa gave them the licence to do what they liked and as the grim measures of apartheid were implemented one after another the real motives of the Nationalists emerged. Soon some of the white voters began to realise that in placing unlimited power in the hands of the Nationalists they had hardly bargained for what they themselves were receiving. The odious slogan of 'wit baaskap' exposed itself to the full. Baaskap was not only directed at keeping the blacks in their place but its ugly tentacles extended to include the reserves of the white man's privileges as well. Many English speaking people in Natal and elsewhere have stood by complacently and even applauded while the Nationalists persecuted the non-Europeans. Now, when there is increasing talk of a republic in which the English speaking whites will also be relegated to the category of second-class citizens, it is time for them to wake up. They must realise that freedom is indivisible. In joining the struggle against apartheid they are defending their own future.

5. The first period of Nationalist rule was used for building a framework for the establishment of a police state. Discriminatory laws against the people, inherited from former regimes, were consolidated and crystallised to suit the pattern of apartheid. In the process of this crystallisation Ministers responsible for each aspect of the life of the people were given complete and unrestricted powers of dictatorship. The Ministers of the Native Affairs and Interior were responsible for the enactment of laws such as the Group Areas Act, the Bantu Authorities Act, the Native (Abolition of Pass and Co-ordination of Documents) Act, the Bantu Education Act, the Population Registration Act, Natives Resettlement Act and numerous similar Acts of legislation. Each of these gave the head of the department concerned absolute powers to deal with the African, Indian and Coloured peoples.

6. Verwoerd and Donges, by virtue of their office, are the undisputed bosses of the non-white people. Through proclamations in the Government Gazette when possible and by legislation when necessary they deport whole communities and tribes, break up families, control the movement of livelihood. The African people are driven from their hearths and homes, ill treated in jails for crimes that are no crimes, checked by influx control which is only another name for providing slave labour and their children are forcibly imbued with a slave mentality in the bantu schools. Administrative

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and legislative actions against Indians, who are considered by the Government to be a foreign and an outlandish element, are so identical to those of Nazi Germany that one could easily discern the source of Nationalist inspiration from Hitler's "Mein Kampf". Like the Jews of Germany they are made to suffer indescribable misery. The lot of the Coloured People is no better, their removal from the common voters' roll has been accomplished, they too, are hounded from their homes and subjected to most inhuman treatment.

7. Swart is the lord of the Law. Under his administration the police are told to shoot at will, they can do the most provocative thing and even get away with murder. His pattern of delivering the country into the clutches of dictatorship began with the passing of the Suppression of Communism Act the first result of this Act was to ban the former Communist Party, a political party which has consistently opposed racial discrimination and oppression. Under this law many able and courageous leaders of the liberation and trade union movements - communist and non-communist - have been banned from offices of public organisations. He has the power to declare a state of emergency, cantake the most drastic actions first and then legalise them afterwards. In his hands he holds the power of life and death over all - both white and non-white.

8. Whilst the political issue between the Nationalist Party and the liberation movement is straight forward it is not so between the Nationalist Party and the Parliamentary Opposition. By successfully exploiting the susceptibilities of the white voters the Nationalist Party was initially able to gain power. In the course of office it made use of race-prejudice for furthering its own aims of establishing permanent one-party rule. The Nationalists became entrenched to such an extent that there is wide-spread dismay and despair within the ranks of the parliamentary opposition. The United Party, the strongest element in this opposition is shorn of those who cannot tolerate its policy or lack of policy for that matter. Some have gone across to the Nats whilst others are floundering in the dark. In any case, the United Party is content to remain as the only opposition and in its efforts to do so is even trying to 'out-nat' the Nationalists. This intolerable position has driven the more conscious political thinkers to ally themselves with the Labour and the Liberal Parties, in which they see some glimmer of hope of saving South Africa: from utter chaos.

9. The weaknesses of the parliamentary opposition flow from the undemocratic basis of the South African Constitution. Divided between loyalty to a cause and political expediency, a parliamentary party or its member suffers from a dilemma which none has been able to solve. They see the witling away of rights and the imposition of fascism and yet do nothing to overcome it. Their weaknesses lie particularly in their surrender of principles. When one by one the lights of liberty were being extinguished by the onward march of fascism they crumbled in the dark. They were not able to stand the tide of reaction and succumbed to the Nationalists. In that dark period it was the democratic alliance between the African and Indian people under the banner of the African National Congress and the South African Indian Congress that kept the light of freedom burning. Its achievements were positive and has a serious impact on all the peoples of South Africa.

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10. Although a party such as the Liberal Party still labours under the illusion of constitutional struggle and although others have misgivings there are forces in the country that truly understand the frightening situation created by the fascists. The progressive whites within the South African Congress of Democrats fully understand and apprehend the situation and are co-operating in resisting the encroachment of dictatorship. Even if their number is small they are bound to be joined by many more as conditions will drive the whites into the hands of progressive elements. The objective situation is ripe for the creation of a broad democratic front. If South Africa is to be saved from the horrors of race conflict then all the advanced elements - both white and non-white - must join hands and create an effective opposition to apartheid. It is the task of the liberation movement to assist in the consolidation of all the progressive forces in the days that lie ahead. Each component part of the Congress Movement, therefore, has important tasks to fulfill and upon the successful accomplishment of these tasks will depend the consolidation of all the forces that will be able to overthrow reaction and bring back sanity that will enable the people of South Africa to march forward along the road of progress.

11. The non-white peoples of South Africa have rich tradition of struggles. Imperialist conquest and colonial subjugation have been galvanised into resistance throughout history. The formation of the Union in 1910 enabled the ruling class to extend its control over the non-white masses on a broader and more unified scale and it, therefore, hastened the unification of the various national groups on a union-wide basis and created conditions for future non-European unity. The Campaign for the Defiance of Unjust Laws in 1952, apart from other achievements, was a turning point in opening the road for advances in this direction. This mass movement was directly responsible for the development of fraternal alliance of the African, Indian and Coloured peoples and also brought into its fold those whites who are clear in their vision and who have the courage of their convictions to stand for that which is just and right.

12. The cessation of the defiance campaign was followed by a period of temporary setbacks. For a time the Government was able to curb the movement of the people through wider powers of repression. Whilst internal difficulties within the organisations contributed its share, banning and proscription of the Congress leadership played an important role. The Resist Apartheid Campaign, which among other things included opposition to the Western Areas Removal Scheme and the Bantu Education failed to obtain the desired results. The movement was, however, able to re-align its forces and go forward as subsequent events proved. The people were able to mobilise themselves even under most difficult conditions. The campaign for the convocation of the Congress of the People was carried out under such difficulties. It is to the credit of the people that they were able to accomplish this gigantic task in the face of unprecedented obstruction and opposition from the authorities.

13. The historic assembly of the Congress of the People was a further milestone in the struggle for liberation. The great Freedom Charter was no ordinary declaration? it not only reflected the true aims and aspirations of the overwhelming majority of the people of our country but was in fact drawn up as a result of demands submitted by thousands and thousands of people at large and small gatherings throughout the length and breadth of the land. The Charter gives a common perspective to the liberation movement. demands contained therein reflect the common aims and objectives of the Congresses and the political organisations in their struggles to free the people from bondage. These living demands of the people are a guide to future action and no movement can disregard the feelings and aspirations of the people. They show a profound understanding, a high sense of social responsibility and a determination to achieve that which is necessary. These demands spring from the concrete and objective conditions of our time and are of inestimable value. No one dare disregard them; no political organisation can succeed without satisfying these aims and any effort to thwart them will be defeated by the people.

14. The successful holding of the Congress of the People and the drawing up of the Freedom Charter is of great importance to the liberation movement. The demands enshrined in this historic document are a guide to action and as such are an extension of the aims and objects of the Congress movement. It is our central task to strive for the attainment of all the objectives contained therein and therefore all our struggles should be centred around it. Any departure from this stand must cause unnecessary confusion and this should be avoided. In spite of impediments placed in the way of the assembly which drew up the Freedom Charter it was a success. This clearly shows that banning and restrictions and other obstacles cannot stop the people from carrying out their cherished tasks. We should take courage from this fact, work hard and effectively on a programme of action, for if the programme of action, is right the people will carry it out. No amount of terrorisation and intimidation can effectively thwart any struggle which has its roots among the people. Let us therefore launch out on bold lines, in forward steps in our determination to free our people from racial tyranny and subjection.

15. The proclamation of group areas in the Western suburbs of Johannesburg has shown the true character of the Group Areas Act. The people of South Africa have been shocked by the ruthlessness of the authorities in their dealings with the non-white people. By the stroke of a pen they have been robbed. Properties worth millions of pounds have depreciated by almost 75 per cent. Money earned with sweat and toil and invested in homes has gone down the drain. More than 750 traders with their seven-thousand odd dependants face the bleak future of total ruination as they will be uprooted and left without even the means of earning a livelihood. The government at no time tried to camouflage their true intentions about the Group Areas Act as far as the Indian people are concerned. At the time of the passing of the Act, however, they cunningly diverted the attention of

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of the country from its far-reaching implications by making it believe that it was primarily aimed at the Indian people, who has already been made a scapegoat at the altar of apartheid.

16. Since the promulgation of the Act in 1951 the Indian people have been subjected to the full fury of its terrifying provisions in an effort to co-erce them in to submission. The despotic Group Areas Board and its puny inspectors spread their ugly tentacles into private ownership and legitimate holdings of the Indian people. Areas owned and occupied by them become the subject of autocratic proclamations in the Government Gazette. The rule of law is substituted by the rule of petty dictators who are only too willing to carry out the dictates of apartheid.

17. The policy of segregation has been in force in one form or another over a long period in South Africa and has its roots, as we have seen, in the economic bases of South African society. The Nationalists have carried this policy to its logical conclusion. In the name of apartheid the non-white people have been subjected to the most ruthless tyranny and oppression. It is clear to the Indian people that they could never compromise on the bases of apartheid for they can never be a party to their own destruction. They have been able to see clearly through the ill-advised manoeuvres of the South African Indian Organisation in its effort to placate the government. Many honest people who were misled into believing that the policy of compromise, enunciated by the Organisation, held out some promise of hope have been dis-illusioned as a result of the actions of the government, thus fortifying the unity of the Indian people on the anti-apartheid front.

18. This is in line with the general trend of events in South Africa. The conference called by the Federation of of Interdemonational Ministers Conference on the 4th of October, 1956 to consider the Tomlinson Report gave an unanimous verdict on apartheid as far as the African people are concerned. The resolution condemning this nefarious policy is a victory for the African National Congress policy of co-operation of all anti-government elements, white and non-white. Thus we see that while at first sight, the government appears to be very stable and self-confident, there are many factors in South Africa which show that the "stability" of the Nationalists is built on sand and that the forces which will eventually bring about the downfall of apartheid are growing stronger while the forces supporting the government are diminishing.

19. This picture is even more striking when we come to consider our problems in the light of the international situation. Hitherto in its attempts to justify and uphold apartheid and the Group Areas Act, in the face of international criticism at the United Nations and elsewhere the government has relied on the support of western imperialism. They have relied on the existence of the 'cold war' to cover up the infringement of the United Nations Charters which are daily being committed in South Africa.

20. During the past period, however, imperialism has become seriously menaced and the cold war policy has become bankrupt. The people of Africa and Asia dealt an outstanding blow against colonialism in the historic Bandung Conference. The emergence of free nations in Asia and Africa and their co-operation in the political, economic, social and cultural spheres is a matter of great significance. The Asian African countries are today a force to contend with in their progress for the fulfilment of their national aspirations which is the greatest basis for world peace.

21. Under such circumstances one can easily visualise the elimination of colonialism from the face of the earth. Racial discrimination and inequality, remnants of imperialist domination are being destroyed and the area of freedom extended. The bold action of the Egyptian government in its refusal to be provoked has given new hope and inspiration to millions in Africa. The struggle of the people in the north, east and west of this continent will inevitably succeed. The people will rid themselves of foreign domination and exploitation. As sure as the sun rises in the east so sure will there be the deliverance of the people of this great continent.

22. Our struggle at home is difficult but we shall not fail if we organise and go forward. If we maintain our allegiance with our loyal and true friends, the African people headed by the African National Congress, then we must go forward. We do not expect others to fight for us as we depend on ourselves. We know that when we take up the cudgel and struggle for our rights assistance will always be forthcoming. We are grateful for the support we have received from all parts of the world and shall continue to strive for justice and righteousness, regardless of the consequences.

23. Circumstances demand that we must examine the state of our Congress very critically. There has been a tendency to rest complacently on the laurels of the past. We have neglected our duties and at times have failed to do justice to our cause. In an organisation such as ours if difficulties outbalance our advances then it is our first and foremost task to examine these difficulties so that they could be overcome. Unless we solve our problems in an objective way we shall not be able to make the progress that conditions demand from us. We are placed in a very critical situation and face the gravest threat in the history of our existence. These conditions call for maximum effort on the part of all the conscious workers within the congress. In the difficult days that lie ahead we will be called upon to make the greatest sacrifice if we are to save ourselves from the terrible onslaughts of the fascists. We can only do so if we are able to unite our people completely and mobilise them effectively. It is true that justice is on our side, it is true that time is on our side but it is also true that in the final analysis we alone through our own efforts can save our people from the terrible prospect of utter degradation and humiliation. The Indian people have in the past withstood persistent onslaughts by carrying on determined struggles for the vindication of their honour and self-respect. It is the honourable task of the South African Indian Congress to lead them into the struggle which will have decisive results. Let us march forward arm in arm, ~~abreast~~ with our fellow South Africans for an end to racial discrimination and oppression and for a free and happy and a truly democratic South Africa.

FORWARD TO FREEDOM!

MAYIBUYE AFIKA!

EXTRACTS FROM MEMORANDUM SUBMITTED
BY THE TRANSVAAL INDIAN CONGRESS
TO THE ALL-IN GROUP AREAS CONFER-
ENCE, HELD AT JOHANNESBURG ON 25TH
AND 26TH AUGUST, 1956

PURPOSE OF THE GROUP AREAS ACT.

The purpose of the Group Areas Act is to provide for the establishment of separate areas for the different races in South Africa. Theoretically, it empowers the authorities to deal with all races on the same basis. In practice, it exists for the purpose of removing all the Indian communities from their present more favourable sites in, or near, European areas, to sites which will have the effect of stifling them completely as a trading community. It also to a smaller extent affects the African and Coloured populations: Although the former is for all practical purposes relating to the establishment of ghettos governed by another Act of Parliament - the Urban Areas Consolidation Act No. 25 of 1945.

WHAT IS A GROUP?

The Act defines 3 main groups:

- (a) A White Group,
- (b) A Native Group
- (c) A Coloured Group.

Any woman who is married to or who cohabits with either a "Native" or a "Coloured" becomes in law transformed into a "Native" or a "Coloured" for the purposes of the Act.

The Governor-General is further given the power by proclamation to define any ethnical, linguistic, cultural or other group who are members of the Native or Coloured group as a group for the purposes of the Act. He is not permitted to sub-divide the White group in this manner. It is by virtue of the latter provisions that the Indians have been declared a group.

WHAT IS A GROUP AREA?

Broadly speaking, a Group Area is an area which is reserved for occupation or ownership or both for members of a specific group. It comes into being by virtue of a proclamation by the Governor-General "whenever it is deemed expedient". Once an area is, for example, declared a Group Area for the White Group then the Indian Group has to move within a specified time, irrespective of the number of years that they have been residing or trading there. In such a case the only Indians who would be entitled to remain would be those falling into special categories such as domestic servants etc. Originally, no group area could be proclaimed for a period of 5 years after 1950 without the prior approval of Parliament. This period has now been extended to 15 years. In other words (apart from a report of the Board - to be dealt with later) the action of declaring Group Areas is purely executive and is not subject to legislative debate.

Once a Group Area is proclaimed, the Minister can, by notice in the Gazette establish a governing body for such an area and the way in which the governing body is to function and its

powers is decided by the Minister. This power can only be exercised by the Minister in Non-European Group Areas. He cannot govern "Whites" in this manner.

THE INTERIM PERIOD.

Until Group Areas are established, the situation is governed by various other provisions of the Act.

Controlled Area:

In a Controlled Area only those persons who belong to the same race as the owner of the property may occupy such property.

Specified Area:

In a Specified Area a person is prohibited from occupying any land or premises which was not lawfully occupied on a certain date by a member of his group.

Defined Area:

In a defined area no person can occupy any premises which have been either erected, completed or extended after the defined date. The duty is on the owner of such premises to obtain a determination from the Minister as to which Group is entitled to occupy such premises.

A lengthy analysis of the full legal implications of the different types of areas is out of place. But a number of references to the situation in the Transvaal Province will serve to illustrate the manner in which the Act is applied to discriminate against non-Europeans and in particular Indians.

POSITION IN THE TRANSVAAL.

By virtue of a proclamation in 1951, the whole of the Transvaal became a Controlled Area. This, as we have seen, has the effect of restricting occupation to the Group of the Owner of the premises. The proclamation meant that Indians could no longer occupy land or premises owned by Whites.

Portions of the Transvaal, mainly in the urban centres were, however, declared specified areas. The effect has been that in rural areas where the bulk of the land is owned by Whites, the Indian, Coloured or Native cannot occupy except in the role of a servant etc. Those persons who had agreements with their landlords before the Group Areas Act came into operation are, however, exempted.

In the Urban Areas which are mainly "specified", occupation is restricted to those persons who belong to the same group as that which lawfully occupied on the specified date which, in most areas is March, 1951.

Not satisfied with the fact of the declaration of Controlled and Specified Areas which has the effect of not allowing for an expanding community and freezes the occupational position as at certain dates, the authorities have gone further and have defined certain areas. The latter aspect illustrates more clearly than any other provision the true discriminatory nature of the Group Areas Act. As has already been communicated, once a building in a defined area is erected, completed or extended after the defined date, then for all practical purposes, it becomes a new building and the Minister may determine who may lawfully occupy thereafter.

Numerous areas and individual properties have been defined in this manner in the Transvaal. But not one European property has been defined. All the properties affected are Indian properties. This compels the Indian lessee to live and trade in premises which cannot by law be improved unless the inhabitant is prepared to face the danger of being prosecuted and evicted under the Act.

Theoretically, individual exemptions may be granted in all cases but the experience of the Indian community is that it is almost impossible for an Indian to obtain a permit in a favourable area.

It should further be noted that in terms of the Act no trading licence can be issued or renewed unless the applicant proves that he has the right to be at the place where he is trading in terms of the Group Areas Act.

ADMINISTRATIVE MACHINERY.

The basic Administrative Unit responsible for the operation of the Act is the Land Tenure Advisory Board.

This Board, apart from conducting sittings (the nature of which are considered elsewhere) into the desirability or otherwise of declaring Group Areas, has other functions. These are to inquire and advise the Minister by means of a written report in regard to:

- (a) The declaration of specified, defined and controlled areas.
- (b) The issue of permits for occupation of land and premises in controlled areas by disqualified persons or a bona fide employee.
- (c) The issue, revocation or amendment of any permit.
- (d) The establishment of Group Areas for various racial groups for
 - (i) Occupation
 - (ii) Ownership.
- (e) The defining of border strips which separate one group area from another.

The function of the Board is mainly advisory. The final decision rests with the Minister. It is vested with very wide and arbitrary powers to carry out its functions and its recommendations are contained in reports which remain secret.

Although the Board has the power to determine the whole future of the Indian and Coloured communities, not one Indian or Coloured is a member of it. It is reserved for Whites only. It has further become clear that the Board, whose task it is, theoretically, to be an impartial arbiter on the question of the desirability of Group Areas, takes the initiative in influencing local authorities to put forward proposals for the complete removal of the Indian communities.

REFERENCE AND PLANNING COMMITTEE.

Owing to the lack of enthusiasm on the part of certain municipalities, an Inter-departmental Committee known as the Reference and Planning Committee was established for the purpose of initiating schemes for the implementation of Group Areas. It

should be noted that the Committee used the same offices as that of the Board and worked in close association with members of the Board. The members of this committee visited various municipalities in order to solicit their co-operation in the implementation of the Act. The officials of the Board on various occasions acted as members of this committee.

This procedure was challenged by the Transvaal Indian Congress representatives at hearings of the Board and in 1952 the Act was amended and gave official recognition to the Reference and Planning Committee. It is apparent that this committee together with members of the Board interviewed and corresponded with various municipalities in order to influence these bodies to step up the implementation of the Act. In such circumstances the public enquiries of the Board became nothing but judicial farces.

FORCED SALE OF PROPERTIES AND INSPECTION.

As a result of the promulgation of the Act, previous legislation which prevented Asiatic ownership of fixed property has been repealed. Nevertheless, the previous legislation remains of paramount importance, because in terms of Section 20 of the Group Areas Act, if any immovable property "has at the commencement of this Act been acquired or is at the commencement held in contravention of any provision of any laws repealed by this Act" then such property may be expropriated and the proceeds of the sale of such property is paid into the state coffers.

In terms of the Act, the Minister has appointed Inspectors who are conferred with very wide powers. Their job was to investigate whether the ownership of fixed property was legal or not. "Legal" not in the sense that it was acquired by fraud etc. but in the sense that the acquisition was not a contravention of the numerous laws which made ownership of property by Asiatics a crime. Hundreds of people were deprived of their properties by this method.

The powers given to these inspectors can only be compared with the notorious methods employed by the Hitler gestapo. The inspectors have power inter-alia

- (a) to enter any premises, at any time of the day or night, without notice, and make such enquiry and examination as is considered necessary;
- (b) to demand there and then or at any time and place fixed by the inspector, books, records or other document from any person who has the possession, custody or control of them;
- (c) to seize, examine and make copies and extracts from any book, record or document and question any person for explanations of any entries therein;
- (d) to question any other person as the inspector sees fit;
- (e) require any person for questioning to appear before him who, in the opinion of the inspector, has any relevant information for such purpose;

Inspectors shall keep a record of any statement made by any person. The person who made the statement is entitled to a copy of such statement.

A person questioned by the inspector is entitled to all the

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TREASON TRIAL, 1956 1961

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