

STATEMENT SUBMITTED BY
THE NATAL INDIAN ORGANISATION

TO

THE CHAIRMAN AND MEMBERS OF THE
JUDICIAL COMMISSION APPOINTED TO
ENQUIRE INTO THE DURBAN RIOTS (1949)

21 pages

Gentlemen,

1. The Natal Indian Organisation was founded on the 4th May 1947 and its chief object is

" To promote and advance the cause of the Indian people resident in the Province of Natal, to improve their condition and status, politically, economically and socially, to guard against any encroachment upon existing rights and privileges, to work for and foster peace, goodwill and co-operation as far as possible between the various sections and races of the population of South Africa."

2. Our Organisation believes in the maintenance of good and harmonious relations between all sections of the multi-racial population of South Africa, and towards that end, it brings to bear upon all, the need to understand and appreciate the points of view of one another. It aims to educate public opinion, towards the Indian people's struggle for their just and legitimate rights.

3. South Africa is a comparatively young country and its secondary industries have been established within the last quarter of a century. It is a vast country in which her total population of a little over 11,000,000 can live in complete harmony. South Africa needs the initiative, enterprise and the

labour, both skilled and unskilled, of all sections of the population of South Africa. The Europeans, Coloureds, Indians and Africans are interdependent on one another in the economy of South Africa and the elimination of any one group would inevitably shatter the foundation of that economy.

4. Speaking of the economy of South Africa, we feel it is necessary to record here that Indians were introduced to save the Sugar Industry of Natal from utter ruin. Native labour, at that time, was found to be extremely unreliable and virtually unobtainable and at the urgent and persistent requests of the sugar planters of Natal, Indian labour was introduced in 1860. With the aid of this labour, Natal on the brink of ruin, was transformed within a short period, into a flourishing colony. That Indian labour was indispensable to Natal and her industries, was proved to the hilt when its flow was stopped in 1866 because of the treatment meted out to the Indian labourers. The serious effect of this stoppage was immediately felt on the sugar, tea and coffee plantations. After much persuasion and earnest appeals immigration was resumed in 1874. The Natal Railways, the coal mines and Municipal works would not exist had not labour been brought out from India.

5. We relate this historic fact merely to show that those who enjoy the fruits of this Province and whose aim is to better things in life, would be well advised not to lose cognisance of the fact that much of the prosperity of Natal is due to the labour of the Indian people. They, men, women and children toiled, (the man earning a beggarly pittance of 10/- per month with rations and quarters), day in and day out, without serious complaint and served the planters and the other industries honestly and diligently.

6. Indian labour was necessary to develop the Colony of Natal and Indian Immigrants were encouraged to stay in Natal as "free

Indians on the expiry of their indenture. The presence of free Indians in the colony necessitated the entry of Indian traders from India and Mauritius. These traders primarily catered for members of their own community and subsequently for Natives and Europeans. They ventured out into the wilds to serve the Natives of the colony. In carrying trade to the reserves of the Natives, when mere foot tracks served as roads and access to their stores, the Indian traders faced untold hardships and hazards both from desperadoes and wild animals. Their tenacity, their will to serve and their inherent courtesy, have time and again earned encomiums from the Native people.

7. Never in the history of our people in Natal, has there been the slightest indication of any ill-will or strained relations between them and the African peoples of this Province. The African disturbances of January 13th, 14th and 15th have therefore come as a complete surprise to the Indian community in Natal just as it did to thousands of Africans.

8. According to the 1946 census, out of a total population of 11,391,949 in South Africa, Indians number 285,260 and the Natives 7,805,515. The Indian population of the Union is therefore about two and a half ($2\frac{1}{2}$) per cent of the total and three and a half ($3\frac{1}{2}$) per cent of the Native population. The Coloured population is 982,484. From these figures it will be apparent that there is not the remotest chance of the Indian population outstripping any of the three groups, not the Europeans who number 2,372,690.

9. In the City of Durban the following are the population figures and for the purpose of comparison we give 1936 and 1946 figures.

	<u>NATIVES.</u>	<u>INDIANS.</u>
1936.	63,547	80,486
1946.	110,667	117,065.

It must be observed that while the increase in the population of the two groups is more or less the same, we would point out that the increase in the Native population is due to the migratory labour attracted by the expanding industries of Durban. This has been more marked during and since the end of the last war.

10. As to land holdings, it is being suggested that Indians have purchased much of the land and the following figures are extremely illuminating.

Total acreage of Natal	<u>18,000,000 acres.</u>
Acreage of Scheduled Native areas created under the Native Land Act of 1913 as amended and Land purchased under the Native Trust and Land Act 18 of 1936	3,000,200 acres.
Acreage of land owned by Indians	150,000 acres.
Acreage of land held by Government, Local Authorities and Europeans of Natal	14,849,800 acres.
	<hr/>
	<u>18,000,000 acres.</u>

These figures are for 1946 and a fact which we desire to bring to your attention is that the 150,000 acres which our people owned in 1946 are steadily decreasing because land falling in the restricted areas created by the Asiatic Land Tenure Act is being purchased by Europeans. We would point out that land policy in respect of the Natives is based on legislation such as the Native Lands Act of 1913, the Native Trust and Land Act of 1936 which have been enacted entirely by Europeans and the inadequacy of land holdings has been a constant cause of complaint by Native organisations. The existing legislations moreover prohibit the acquisition of land by a Native from a non-Native outside the Scheduled or released areas.

It would be interesting to place the figures in regard to these land holdings against the population figures of the three groups.

236,697 Europeans of Natal, the State and Local Authorities own	14,849,800 acres.
1,703,970 Natives have for their use	3,000,200 acres.
232,317 Indians own a mere	150,000 acres.

These figures present a devastating and poignant answer to the allegations that Indians are purchasing all the land to the exclusion of the Natives.

12. In regard to Indian land holdings in the coastal belt, an interesting view was expressed by Mr A.J.S. Maritz, a Magistrate before the Lange Commission which was appointed to enquire into the Trading and Land rights of the Indians in South Africa. This is what he said:

" Originally the Indian hires waste land and after cultivating and developing it, he eventually disposes of it to European sugar planters, then he goes further afield and purchases cheaper land elsewhere. Thus he is continually opening up new land which Europeans would not find payable. By cultivating on a small scale and in an economic manner, he manages to improve his holdings and render them attractive to European planters."

13. Most of the peri urban areas, which have now become known as Added Areas and which were incorporated into the Borough of Durban on the 1st August 1932, were developed by Indian initiative. Clairwood and Merobank on the South, Sydenham, Overport, Clare Estate, Mayville and Cato Manor on the West, and Riverside on the North may be cited as few of the areas so developed. Cato Manor may be mentioned as one of the earliest settlements of Indians.

14. As at the time of the Pegging Act of 1943 Indian holdings in the Added Areas (peri Urban Area) were 9,997 acres in extent which represented 39.3 per cent of the total land holdings. As against this the Europeans, the Government and the Durban Corporation owned 22,262 acres. The Indian

holdings represented thousands of small plots which have invariably been purchased under hire purchase agreements.

15. At first the Added Areas were sparsely populated but since 1922 when the Durban Tramway strike gave an impetus to Indian transport, there began a rapid development of the areas. This development was always immediately followed by Indian transport and in some cases transport preceded the development of an area.

16. The African who was attracted to the industries in the Urban Areas, more often than not, found himself without a shelter for himself or his wife and family. It was then that the African followed the Indian to these Added Areas as would a camp follower. Thus it is that one finds such a large concentration of Africans in the Booth Road area - one of those areas developed by Indian initiative.

17. At the beginning of the war in 1939 the Cato Manor area was served by 21 Indian buses when there were very few Africans in the area. Then began an influx of thousands of Africans into this area particularly during the war years, this influx being necessitated by the totally inadequate housing provided by the Durban Corporation and the various industries. The Indian provided the land and the means of transport. At the present moment there are 81 Indian buses licensed to convey non-European passengers to the Cato Manor area.

18. Dealing with the influx of Africans into the Urban Areas the Fagan Report states that :

Despite all the efforts of municipalities to utilize their powers, they have been unable to control the urban drift of the Natives, nor provide adequately for them once they have arrived in the area. This is borne out by the overcrowded conditions in the municipal locations and the peri-urban townships, and by the development of shanty towns on the perimeter of the large industrial town.

The present situation has, in some measure, been accentuated by the great industrial expansion associated with the war, and the labour requirements of these industries attracting Natives to the towns, coupled with a reduction in the building programme during the war years.

But in the main South Africa has, in the past 25 years witnessed the economic phenomena associated with industrialisation throughout the world - the movement of population from the rural to the urban areas.

This is culled from a Digest of the Fagan Report prepared by the South African Institute of Race Relations.

Durban has had its share of this population drift but neither the municipality nor the industrial undertakings have been able to provide adequate housing for the thousands of Natives who were drawn into the City. Where the Durban Municipality and industrial undertakings failed, the Indian landowners stepped into the breach and out of compassion for the homeless Natives gave them lands to erect their houses. And what is more the Authorities encouraged the building of these shacks and on many occasions requested Indians not to evict the Africans.

19. It is our firm belief that the population of the shanty towns in Durban is not vagrant. We again quote the Digest of the Fagan Report in this regard. Paragraph 27 of the Report deals with this question exhaustively.

There is no evidence of widespread unemployment in the towns - a census taken of the squatter population on the borders of Johannesburg revealed that only 4 1/3 per cent of the adult male population were not employed in the City. Thus the appearance of a shanty town is no indication that its residents are "redundant". Rather is it evidence of the inability of the municipal authority to provide the necessary accommodation for the workers in the area - hence the undesirable conditions which have arisen.

This is just as true in the case of Durban as it is in the case of Johannesburg. What gives a bad and evil name to the

shantytowns is the visitation during the week ends of thousands of Africans who during the week days are cooped in barracks and locations where the amenities of life are extremely limited.

20. We now propose to deal in seriatim with the several allegations raised by the Africans in the course of your Enquiry.

EMPLOYMENT.

21. The African population of Durban is 110,667 and of this number the male Africans in employment as at June 1948 was 87,990 which shows that there was hardly any unemployment among the Africans. It is admitted that the majority comprise unskilled workers. On the other hand it is estimated that there are over 7,000 unemployed Indians in Durban alone. Many industries do not employ Indians. For instance the Motor Assembly Works at Jacobs employ Europeans, Coloureds and Africans. The Indian is not accepted. Two large industries may be mentioned among others that do not take in any more Indians. The Sugar Mills, the Railways and Harbours and the Durban Municipality are other undertakings in which the Indian suffers from the same disability.

22. There is no evidence to show that the Indian has stood in the way of the Africans advancing as skilled and unskilled workers. It must be mentioned that industries do not discriminate between the African and Indian, but what weighs with them are efficiency and stability. No industry can afford to employ migratory skilled workers. Thousands of Africans are employed by Indian farmers, industries, transport and in their homes; they show no bias against the African. There have been ^{no} complaints against the Indian employer for ill-treatment.

TRADE.

23. Many of the avenues of employment open to the European are denied the Indians. The Government, Postal and higher ranks in the Railway and Municipal services are not open to them. Many of the industries are closed to them. In the sugar industry which owes its existence to Indian labour, the Indian is not permitted to rise beyond a certain level.

24. The only avenues open to him are banana farming, market gardening, trade and transport. Most of the intensive market gardening was in the Added Areas and as these areas became urbanised, the market gardeners were pushed back without any provision being made for them. This is a phenomena in the urbanisation and industrialisation of the peri urban area. The farmers and market gardeners have been in the main responsible for conversion of inhospitable forests, waste and unproductive land into well kept and productive farms and gardens. Seventy five (75) per cent of the vegetables supplied to the general public in Durban is produced by the Indian market gardeners.

25. With regard to Trade, official policy is indicated in the statement of Brigadier Molyneux, then Licensing Officer for Durban who in giving evidence before the Lange Commission in 1921, said,

" I use my discretion as to whether an Asiatic should trade in any particular street or area. It is very seldom, comparatively, that a European licence is refused. A European licence is granted almost as a matter of course; whereas the Indian licence is refused as a matter of course."

In fact this policy has been made more stringent since then. The Indian trader is given no choice of site. He is restricted to his own area.

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26. The role played by the Indian trader in the economy of the country is an important one, but he has never retarded the progress of the African trader. If there is anything that

militates against the African it is the policy of the Government and the Local Authorities. The fact that so many of the Native dealers, tearooms and herbalists are housed in Indian owned premises is an indication of the help that the Indian affords the African.

27. It is relevant to quote from the Memorandum submitted to the Commission by the Department of Economics of the Natal University College :

" They established themselves not only in the coastal belt, but also in the remote places where no European could have made a civilised living and where the local Natives knew little or nothing about trade. The Indian trader was therefore useful and welcome and in most cases this is still the case. The Native usually patronises the Indian store in preference to the European store. In the former he feels at more at home and he also finds the goods often lower in quality and in price. He can also indulge more readily in bargaining."

28. There is a mistaken idea prevalent that the Indians hold a very large number of licences. The same Memorandum explodes this idea and we quote:

" In Natal in 1945/1946 the number of licences issued to Europeans and Indians were almost equal - some 8,450 each. But of the total 8,452 Indian licences 2,685 pedlars or hawkers on the average carry only £5 of stock, and 885 are fresh produce dealers carrying perhaps some £50 of stock."

29. The number 8,452 may appear to be large but among these there are 652 aerated mineral water dealers attached to fresh produce dealers and 436 patent and proprietary medicines attached to the general dealers' licences. The large number does not therefore mean that there are so many separate dealers. No Indian trader is given a licence in the Native Reserves, and the Natal Rural Licensing Ordinance restricts him from trading within five miles of such Reserves. On the other hand an African requiring a licence in the Reserve is not required to be subjected to the usual formalities relating to Licensing applications.

TRANSPORT.

30. Indians are the pioneers of non-European motor transport. Prior to the introduction of motor vehicles to convey passengers transport was provided by Indians in their two-wheeled horse drawn carts which were licensed to carry six passengers to and from Durban. Africans even then were conveyed by Indians. The 1922 tramway strike, and the constant irritation that non-European passengers were subjected to in the Municipal trams gave an impetus to the introduction of motor vehicles catering for non-Europeans. Immediately prior to the passing of the Motor Carrier Transportation Act (No. 39 of 1930) there were 350 motor passenger vehicles. There were several Africans who owned vehicles at the time. Many of these vehicles carried African passengers to the remotest Native area. Indians had, by their pioneering spirit, created an essential service which was catering for non-Europeans as efficiently as the South African Railways. It would be recalled that the Act was primarily passed to protect the Railways from private competition. In the early stages these Indian transport owners suffered considerable loss owing to bad ^{communications} and in some cases ruin to establish the service.

31. Subsection (3) of Section 13 of the Transportation Act in our opinion not only protects existing services but lays down the Law in regard to future applications for motor carrier certificates. If a Transportation Board is satisfied that existing transport facilities within any area or over any route are satisfactory and sufficient to meet at a reasonable charge, the Board "shall not grant any motor carrier certificates in respect of any motor carrier transportation within substantial the same route in competition with the said transportation facilities," vide 13 (3) of Act 39 of 1930. In view of this *safeguard* in the Law itself it is idle to say that Indians

object to transport applications by Africans on racial grounds. What is often lost sight of is that African applications are objected to not only by Indians but also by the South African Railways and Local Authorities whenever such applications are in respect of routes parallel to their own, over which their services are run. The objections by the South African Railways and Local Authorities against Indian applications are very severe. A report from the Transportation Board will reveal that there are in fact many African Bus Owners and the policy of the Board is to assist Africans as far as possible.

RACK RENTING.

32. The war and the increasing industrialisation of Durban attracted large numbers of Africans to the City. We have in paragraph 9 given the Native population figures for 1936 and 1946. The figures for the female population for the two years are 14,234 and 28,523 respectively. This increase in the Native population created the need for more and more houses. The Broome Commission of 1948 estimated that 23,000 Natives lived in shacks. The Indian landowner supplied the Natives with the land to erect the shacks.

33. The Indian land owners charge from 10/- to 20/- per plot per month. This enables an African to erect a number of rooms on one plot. On an average an African tenant erects 5 rooms on a plot and occupying one or two rooms himself, he lets the remainder at an average of 20/- per room per month. More often than not the African tenant makes a clear profit out of the shacks from his sub-tenants. The Indian landlord, on the other hand, takes the risk of being prosecuted. Moreover he has to pay the Municipal Rates on the property and in some cases, he supplies the water in the form of a communal tap. In many cases the African tenants do not pay the monthly rental.

These shacks are profitable to the African tenants, so much so, that it is difficult to evict an African shack dweller even with the aid of the police. In some cases Africans have trespassed on to Indian owned land and erected shacks without the knowledge or consent of the Indian owner.

HOUSING.

34. The wretched conditions under which the Africans live in the shacks at Cato Manor and in other areas are within the knowledge of the Authorities. The Barrack and compound system has been condemned as being devoid of home and family influence. In a heterogenous community such as Durban holds, it is necessary that all sections of the population are given opportunities to live in decent and ideal homes if we are to avoid a recurrence of the January riots. Efficient African labour is essential for the industries of Durban and nothing can be more harmful to efficiency than bad housing.

The Department of Economics of the Natal University College states that

" Yet good housing is not only an important factor for health and self respect but also for economic efficiency and social harmony both within and between racial groups. Inadequate housing and shack settlements such as those of Cato Manor and Booth Road encourage despair, irresponsibility and crime."

35. The question as to who should assume responsibility for the housing of the 23,000 Natives, living in shack dwellings, is of national importance which the Union Government, Local Authorities and the industrial undertakings must solve. The sooner the better for the whole of the community. Any delay in its solution will be serious to the City of Durban as a whole.

MISCEGENATION.

36. The Indian people deny most emphatically that promiscuity between Indian males and African females is common. There might be a few cases here and there and this is understandable in a multi-racial country. If this occurrence were as common as it is being made out to be, the attention of the Indian people would have been drawn to it long ago. This is an allegation which we submit has no substance. Indians have been in South Africa for nearly 90 years, and it is to their credit that they have not created a community of Indian - African Origin by promiscuous relations. On the contrary, extremely conscious of their race ~~pride~~, they have maintained the purity of their race.

37. It is not in South Africa alone that they have maintained that purity but wherever they have settled. Mauritius, Seychelles, Ceylon, Burma, Fiji, British Guinea, Trinidad are some of the countries that may be mentioned.

CAUSES OF THE DISTURBANCE.

38. Considerable evidence has been led to show that prior to the disturbances there has been no ill feeling between Indians and Africans. This is testified by the District Commandant himself who in reply to a question said that prior to the 13th January 1949 the relations between Indians and Africans were not strained, and he was supported by the Police of every District. Many of the Africans have testified to the fact that the disturbances were not pre-arranged and to them they had come as a complete surprise.

39. The Broome Commission of 1948 of whose recommendations so much has been heard at this Enquiry, is definite that at the time of issue of the Report at the end of January 1948, not a single complaint had been lodged against the Indians.

40 The question naturally arises as to what has happened since Report of the Broome Commission - a matter of 12 months - to engender this hostility which the Native showed on the 13th 14th and 15th January, 1949.

41. To us the question is not/^adifficult one to answer. The Indian in South Africa is in an extremely unfortunate position. He is the football of every politician in this country. Even the aspirant to municipal honours must attack the Indian if success is to be achieved at the Polls. Inflammatory speeches by Politicians and Municipal Councillors against the Indian are every day occurrences. Durban in particular is the centre of these anti-Indian activities.

42. The taking away of the Parliamentary Franchise in 1896, the Municipal Franchise in 1924, the passing of the Pegging Act of 1943 and of the Asiatic Land Tenure Act 1946 are some of the reactionary measures that must be attributed to intensive agitation of the Europeans of Durban in particular and of Natal in general.

43. The Indian people of Natal have always entertained the fear that the inflammatory speeches and irresponsible statements made by Europeans would one day start an Anti-Indian conflagration.

44. During the General Election in May 1948. the electioneering campaign plumbed a new depth when it came to deal with the Indians. The Durban Joint Wards Association which is the fountain head of antipathy to the Indian sent a circular to all the candidates in the Election which contained, inter alia :-

" Political power should not now be placed within the grasp of South Africans Indians who would, hereafter, through polygamous tendencies and by sheer weight of numbers, soon be enabled to acquire political supremacy to the detriment of Western Civilisation in South Africa. After many years trial the Indians have proved to be unassimilable and are distasteful to all the other races in South Africa."

This is typical of the utterances that the Indian people are used to during every Election Campaign. Many of these statements violate every provision of the Riotous Assemblies Act and yet no action is taken against them.

45. This tirade against the Indian gathered such momentum that it forced the "Natal Daily News" to comment editorially as follows :-

" It is time, alas, that the advocacy of brutal methods against an unwarranted minority; the readiness to set aside all law and human considerations to achieve a racial end have become one of the commonest phenomena of European politics. This, too, will happen here if our community has neither the unity nor the political judgment to use its power aright yet the arbitrary denial of rights to a certain section is being preached; there is talk of forcing the Indians out or "driving them into the sea." Admittedly, it is by people who are without responsibility. For the sake of final and acceptable solutions, it is to be hoped that they will remain so. "

46. The tirade against the Indian did not cease after the Election, for, it was some of the Ministers who in order to find favour with the Natal anti-Indian electorate, who made some of the most fiery speeches. Agitated over this latest phase of attack, the South African Indian Organisation drew the attention of the Right Honourable the Prime Minister, Dr. D. F. Malan, to these speeches in a letter dated the 10th November 1948. The state of our peoples' uneasiness finds expression in that letter a copy of which is attached hereto.

47. All the speeches and the statements spread over a long number of years have tended to single out the Indians in Natal as an unwanted entity. These must inevitably reach the ears of the Africans who are prone to accept any statement as witness the unbelievable proportions which the story of the assault on the African boy gained. The Native is a keen observer and he would not fail to observe that the general attitude of the

European is to send the Indians back to their Country, lock, stock, and barrel.

48. That in our opinion would have been the frame of mind of the average African on the eve of the disturbances.

49. The African on the other hand is the subject of continual frustrations. He believes that South Africa is his Country, and it is not for him to appreciate that the Bantu drifted into South Africa from the North several hundred years ago and that the aborigines of this sub-continent are the Hottentots and Bushmen. He feels and rightly so, that in his Country, he is treated as a pariah. He sees that his people, in the main, are really drawers of water and hewers of wood. He cannot purchase land outside the reserves; he is denied educational opportunities; his children grow in abject poverty and in enforced illiteracy; he is subjected to a different code of laws; he must carry a pass; he cannot move from one place to another; he cannot enter the skilled field of employment except on a limited scale; in the urban areas he suffers from ^{an} acute want of housing; he has to live ⁱⁿ shacks; he is denied even the elementary amenities of life; he suffers from Malnutrition and Tuberculosis. In the Legislature of the Country he has no direct say and even his three European Representatives in the Assembly are threatened with extinction.

50. This is the state in which the average African finds himself. It would be asked whether the average African worker whom one finds in the Urban Areas, is intelligent enough to understand these implications and to appreciate the conditions in which he lives. The literate African and even the one with a smattering of education are voracious readers and it is common to see an

African reading a newspaper to a group of Africans. This group spreads the news to other Africans. It is a well known fact that news amongst the Africans spreads with the greatest of speed. It would be apparent therefore ^{that} the average African cannot be ignorant of these facts.

51. The African heart for many years has been full of the disabilities that he suffers from. He is extremely secretive. It is not the African who would easily open his heart to anyone when he is wronged. But a throbbing heart must break out some time. It must find an opportune moment. That moment was the 13th January 1949.

52. Ordinarily an incident such as the common assault on George Madondo would have passed off without any notice being taken of it. But at the time of this ordinary incident the Africans were full of their own troubles and frustration. That incident was sufficient to enable the explosion to take place. He knew that his oppressor was the European, but he also knew the might of the European. He has full knowledge of ^{the} outbreaks at Moroka and other places which were quelled by the might of the European. At Durban he was afraid to show his hostility to the European. He has somehow to give vent to his feelings of frustration. He found in the Indian a scapegoat. That, in our firm opinion was the state of affairs on the evening of ~~the~~ 13th January 1949. The Indian, being weak and defenceless, was an easy prey for the African to attack and thus show his pent up feelings.

53. On Thursday the disturbances were of a minor nature. It was merely a matter of hit and run. This is characteristic of the hooligan type among the Africans. If some of the Europeans had not treated the Thursday disturbances as a huge joke and encouraged the African by standing and
19/ and laughing...

laughing at Indians being attacked and if the police had taken stern measures on that evening we hold the firm conviction that the disturbances would not have gathered momentum on Friday as they did. That was the first phase.

54. This first phase gave an opportunity to hooligans among Africans and opportunists among Europeans who disliked Indians, to organise another attack on them on the following day, Friday the 14th January 1949. The Commission has evidence to show that messages were sent out to all the compounds that there was to be another attack on the Indian people. The Police was aware of this attack. Earlier in the day on Friday and during the afternoon the Africans began breaking the shop windows. Passing Indians were attacked by Africans. That was the second phase. Here again the breaking of the windows and the attack on passing Indians could have been stopped if only some of the Europeans had shown some chivalry instead of becoming sightseers and in some cases instigators. It could have been stopped if only the Police, having had the knowledge of the attack, had taken prompt and decisive action.

55. Encouraged by/^{the} small posse of police which was totally inadequate to cope with the calls that were coming in simultaneously from every corner of Durban and by the incitement by some Europeans, the Africans commenced to not only smash the windows of the shops and houses but also to loot. The looting was done by Africans and by many Europeans and Coloureds. That was the Third phase.

56. The fourth phase took effect on the evening of Friday and all day Saturday when Indian shops and houses were burnt down and when murder and carnage were resorted to. This was the worst phase and the Africans cannot be exculpated for this greivous wrong done to the innocent Indian men, women and children. Nor can the Europeans and

Police be blameless. Too late was the police force reinforced. Too late was drastic action taken against the Africans. The reasons for not using tear gas to quell the disturbances is inexplicable. Steps should have been taken to stop the Disturbances before they broke out rather than taking steps to quell them after considerable damage had been done.

57. We have endeavoured to present to you in some detail the causes that led to the disturbances. We shall now show how fallacious are the causes that have been put forward by some of the African witnesses.

- a) Black Marketing: The word Black-marketing has been confused with the rising prices of commodities. No demonstration has ever been made by Africans against high prices as did the Europeans and Indians. It has been shown that many articles or food stuffs were in short supply;
- b) Trade: It is not within the power of the Indian to retard the progress the African in trade. The policy in regard to Native trading is laid down by the Government. It is rarely that an Indian objects to African application, but that is allowed in law.
- c) Non-European Passenger Bus Services: The Transportation Act 19 of 1930 protects existing transportation services and allows, their owners to object to new applications if they are in competition to their services.
- d) Miscegenation: It is admitted that in multi-racial population which is the case with Durban, there must be some cases of miscegenation between Indians and Africans. It is denied however that the number is large as to be the cause for the disturbances.

58. It is our honest opinion that none of the causes that have been adduced by the African witnesses can be accepted as a contributory cause for the January disturbances.

59. We desire to express to you our appreciation of the indulgence shown us throughout the proceedings of this Commission. In presenting the case of the Indian people, we wish to assure the Africans in Natal that we have always recognised them as friends and throughout our stay in Natal we have not acted in any manner to impair

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