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Title: The Indian Contribution to the Development of the History of South Africa.

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Introduction

The historical context of time, place and circumstances helps to place the Indian factor in South African history in perspective. Within this context it is possible to periodize as well as to characterize this factor so as to identify its outstanding features in a convenient and meaningful way. The periods as well as their outstanding features may be listed as follows: 1860-1902, arrival and settlement; 1902-1910, beginnings of political mobilization; 1910-1924, a place in the new unified state; 1924-1948, an appeal to internal and external diplomacy; 1948-1974, accommodation on the basis of a permanent stake in the country.

The chronology represents landmarks in South African history which were neither shaped nor influenced by the Indian factor which has always been limited by relative numerical insignificance[1] as well as by economic and political restrictions. The first period ended with the establishment of British paramountcy; the second with the creation of Union; the third with the advent of Hertzogism and Afrikaner ascendancy; the fourth with the appearance of the Nationalist doctrine of Apartheid and the last with the contemporary scene of the balkanization of the South African peoples and polities.

1. The period 1860-1902

The first economic class of Indians to come to South Africa was in the category of labourers recruited officially under a well-defined official scheme entered into between the Natal Government (acting as labour agent for the European employers of labour in Natal), the Indian Government (acting as protector of the migrating labourers) and the British Government (acting in the capacity of overseer with jurisdiction over both contracting parties). The indenture or contract terms provided for an initial assignment of five years at the end of which the indenture was fulfilled and three options became available to the labourers: to offer their labour as free citizens on the open market; to exercise their right as free citizens in any occupation; to return to India at their own expense. Clearly this last alternative was the least attractive and tended after the first decade to give way to the two other options, especially since the continuation of 'industrial service' for a second period of five years (or ten years in all) tended to qualify the labourers for two additional alternatives: a free return

passage to India or to the commutation of the free passage into a grant of land of equal value. The incentives to remain in the colony for ten years were deliberately designed to serve the local industries, plantations and other employment avenues though they were repealed some thirty years later when the employers, mainly the sugar magnates, were less troubled by the prospect of labour shortage than by the looming threat of commercial competition from Indian traders.[2] For the moment, the colony stood to gain, the planters (or employers) stood to gain and labourers, too, stood to gain. The common gains were underlined by the incentives and safeguards introduced as well as by the heavy subsidy for the recruitment of this labour provided by the Natal Government from 1860 to 1894 when state subsidy was withdrawn.[3]

The contribution of Indians in this period of arrival and settlement must be seen in the context of their reaction to the opportunities provided or available. In the initial period from 1860 to 1866, 4159½ statute male adults were assigned to employers (boys under 10 being counted as half a male adult) out of a total number of 6,307 men, women and children who arrived in Natal. In 1870 the ten-year period of residence expired for the first arrivals and 411 out of 587 male labourers eligible for a free return passage chose to return to India, representing 70% of the total.[4] This high proportion was due to various factors: labour importation from India had been discontinued in 1866 because of the economic depression which hit Natal and elsewhere; the treatment and conditions of work of the labourers were highly questionable. In 1874, when labour importation was resumed, conditions were improved by law[5] and the incentives could be picked up more readily. Consequently, the position after 1874 is a better reflection of the Indian response and contribution: firstly, numbers increased drastically. In 1872 the immigrant population was estimated at just over 5,000; in 1874 at just over 8000 but in 1886 the number rose to almost 30,000. In a single year alone, June 1874 to May 1875, 'eleven ships arrived at Durban from Calcutta with 5974 coolies on board.'[6]

By 1886, or about a quarter century of labour importation from India, many results were discernible: the number of indentured labourers alone stood at about 30,000 and this contributed to an expansion of the sugar industry primarily but also to a general improvement in the economy of Natal. But one other economic class of Indians made its appearance, labelled as 'free' Indians. The first of these were ex-indentured labourers who chose to remain in South Africa after serving their indenture period. A few became traders but most of them remained as labourers on the open market. Some were attracted to the higher wages

offered on the coal mines, the railways, domestic employment and other similar openings, even to the extent of emigrating to the Transvaal after 1881. To this category of 'free' Indians must be added those who were born of non-indentured or ex-indentured parents, and those professional traders or artisans who came to Natal of their own accord and at their own expense. From here some branched off into the Transvaal and the Cape. By the end of 1900, the Indian population in Natal (indentured, ex-indentured, descendants, free immigrants, traders and artisans) numbered 65,925 while the White population (excluding those temporarily in the country because of the Anglo-Boer War) was 64,941. The African population was way ahead at almost 800,000.[7] With the increase in numbers, Indians diversified their activities: in 1885 out of the 3711 Indians resident in the municipal area of Durban, 2000 or about 60% bought or rented land for cultivation. Within twenty years Indians were cultivating some 50,000 acres in Natal, one-fifth of which was owned by them; in 1885 the number of retail stores owned by Indians stood at 66; in 1886 some 80% of them worked for the Natal Government Railways; in 1902 there were over 2000 Indians working on the coal mines while hundreds went into hawking, domestic service, trading and mine labour on the gold and diamond fields.[8]

It was out of this situation that anti-Indian hostility developed. Thrift, industry, application and enterprise were interpreted in terms of low standard of living, cut-throat competition, undermining of White enterprise, flooding the country with Asia's unwanted surplus and threatening the primacy and power of the White man. It was out of this situation that commissions of enquiry were instituted to consider the Indian 'problem' and to recommend what should be done to resolve it, mitigate it or expunge it altogether. This step was followed up by legislative action often quite independently of the recommendations of commissions of enquiry and in defiance of the facts. South African history is replete with this anomaly.

Let us consider one of the first of these commissions of enquiry and after that the legislative enactments which followed: in 1885 the Indian Immigrants' Commission was appointed by the Natal Government presided over by Mr. Justice Wragg to go into the social and economic aspects of the Indian question in Natal in view of the complaints and fears expressed or felt mainly by White businessmen. Excerpts from the report belie the fears and complaints: 'In fairness to the free Indian we must observe that the competition is legitimate in its nature and it certainly is welcomed by the general community. There can be no doubt that Natal is admirably suited whether as a temporary or a permanent home for Indian immigrants.' About the Indian traders,

against whom the loudest complaints were made in influential circles then and since, the Commission reported that: 'We are content to place on record our strong opinion based on much observation that the presence of these traders has been beneficial to the whole Colony and that it would be unwise, if not unjust, to legislate against them.'[9] The Commission found that indentured labourers were welcomed by the Natal colonists but that free Indians were not; that Indians in general were a useful addition to the population and of value to the economy of the country.

The legislative programme tells another story: in 1891 grants of crown lands provided for in earlier legislation in place of free return passages to India were revoked; the same law made it obligatory for indentured Indians to work for nine hours a day excepting holidays and Sundays. It was an offence for a labourer to be found one mile from his employer's residence without a permit. In short, labour conditions were made more stringent.[10] In 1895 a £3 residential tax was imposed on ex-indentured immigrants who chose to remain in Natal instead of returning to India.[11] In 1896, Indians in Natal were deprived of the parliamentary franchise;[12] in 1897 an immigration law was introduced making entry more difficult by stipulating an education test in a European language[13] and a licensing law was introduced giving summary and discretionary powers to licensing officers to refuse or grant trading licences. Appeals against their decisions were not allowed.[14]

The legislative programme outlined above shows clearly that all Indians, whatever their category, competence or credentials, could remain in Natal under sufferance. What happened in that most- British South African colony was quickly picked up in the not-so British parts of South Africa. In the Transvaal, the Volksraad passed a law in 1885 debarring Asians from obtaining citizenship rights and from owning fixed property. Traders were required to pay a high registration free and to reside in specific areas set aside for them.[15] Three years later the law was amended under pressure from the British Government permitting Asians to own fixed property in such streets, wards and locations set aside for them.[16] In 1902-3 Asiatic immigration into the Transvaal was limited to those who had lived in that territory before the outbreak of war in 1899 in deference to allegations, which were never established, that thousands of illegal immigrants were flocking into the Transvaal.[17] This was one of the issues which led to the passive resistance struggle under the leadership of M.K. Gandhi from 1907 to 1914. In the Cape Colony there were fewer Indians than in the Transvaal but restrictive measures were introduced all the same along the Transvaal and Natal lines.[18] But the classic, and certainly most courageous or notorious (depending on the side which argues the case), was the action of the Orange Free

businesses and farming operations to cease as from 11 September, 1891. Those affected were deported without compensation. The law stipulated that no Asiatic could own fixed property or remain in the O.F.S. without permit. Permission was granted to fewer than a dozen waiters and domestic servants.[19]

These, then, were the main features which characterized the first period of the Indian presence in South Africa. At the beginning the British Government was most directly involved; at the end it emerged in South Africa as the paramount power at the conclusion of the Anglo-Boer War in 1902. The Cape, Natal, the O.F.S. and the Transvaal were now under its direction. The Indian immigrants of all categories in South Africa were British subjects who relied upon this paramount power to afford them fair conditions in the country of their adoption or birth. There were other groups, too, white and black, which had similar expectations. If justice or bounty were to be dispensed according to numbers, the Indians had the least claim: in 1904 they constituted 2.4% of the population while the Coloureds made up 8.6%; the Whites 21.6% and the Africans 67.4%.[20] The next period was to see the unfolding of the policies and programme of the paramount power in South Africa and the reaction of the Indians to these policies.

2. The period 1902-1910[21]

The main territories involved were Natal and the Transvaal while the main issues were labour, trade and immigration (with which was connected the question of citizenship). At the end of the war there was acute labour shortage in both colonies and both looked to India (and elsewhere in Africa and Asia) for relief. In Natal there was a shortfall of 15,000 labourers; in the Transvaal the figure was 100,000.[22] In 1903 Lord Milner proposed the employment of 10,000 Indians under indenture on the railways in the Transvaal instead of being 'flooded by petty Indian traders and hawkers'. But the treatment of free Indians in these territories, especially since the early 1890's, reflected in the legislative enactments and administrative procedures, caused the Indian Government to frown upon the recruitment of indentured labour for service in South Africa. An official delegation from the Natal Government went to India in 1903 with a two-edged request: relaxation of recruiting restrictions in India and termination of engagement in India. Predictably, these conditions were turned down. Since 1905 Indian nationalists were better represented in the legislative and executive councils in India and consequently were less disposed to support requests which were detrimental to Indian interests. Similarly, the legislatures in South Africa were equally determined to protect White interests. It was out of this situation of conflict of interests

that Indian political mobilization gained momentum: Gandhian leadership and passive resistance made their appearance on the South African scene; Indian political consciousness was aroused; a common concern about the future place in the South African sun brought merchants, hawkers, professionals, peasants, miners, sugar-cane workers and domestic servants together. White politicians and Black nationalists alike were brought round to recognizing the efficacy of organized protest. Politics in South Africa immediately before and after Union was influenced to an important extent by the agitation carried on by leaders and followers of the South African Indian cause.

In the vanguard of this development was Mohandas Karamchand Gandhi who has himself described his South African experience in two volumes[23] while numerous other works, both large and small, deal with this period of his life.[24] His South African years (1893–1914) were highlighted by the following achievements: formation of the Natal Indian Congress (1894) and the Transvaal British Indian Association (1903); the founding of the newspaper Indian Opinion (1903); the establishment of the Phoenix Settlement (1904) and the passive resistance campaign (1907–1914) which culminated in the Smuts-Gandhi Agreement (1914), a notable document as well as landmark in South African history.

South African Indian political mobilisation did not stop at Union (1910) nor with the departure of Gandhi (1914) but both these dates may be considered as marking important watersheds; the first lends itself to a more convenient Euro-centric approach while the second would appear to serve the Indo-centric to greater advantage. The fact that the Union of the South African states in 1910 led to the adoption of the different policies and laws of the uniting states rather than the formulation of a new beginning, justifies the extension of this section to 1914 when, for the first time, a Union policy of some substance on the Indian issue made its appearance.

The political bodies founded by Gandhi were the direct result of the introduction of discriminatory measures: the first to resist the attempts to disfranchise the Natal Indians; the second to protect the Transvaal Indians against the detrimental effects of the Peace Preservation Ordinance. Both these bodies, which Gandhi served as the founding secretary, afterwards combined to wage the passive resistance struggle, the causes of which can be traced to the passing of the Asiatic Law Amendment Ordinance by the Transvaal Government in 1907 in terms of which every Indian man, women, or child of eight years and upwards, had to register his or her name, acquire a registration certificate, exchange any old one for the new, supply personal details as well as marks of identification in addition to finger and thumb impressions. Failure to comply was punishable by fine, imprisonment or deportation. The Ordinance was first mooted in 1906 when the Transvaal was still a

British colony without internal self-government and the opposition to it, organised by Gandhi, was immediate and uncompromising. Gandhi and H.O. Ally proceeded to England in October, 1906 to register their opposition in person. The British Government's response was ambiguous and non-commital. It passed the buck on to the Transvaal Government which was to convene on 1 January, 1907 invested with the constitutional status of Responsible Government. Within twenty-four hours of this date the Ordinance was passed once again with unanimous support from all the members, Boer and Briton, of the Transvaal legislature. Some 12,000 British Indians were affected by this measure and they took up the cudgels of passive resistance which they had already pledged themselves to resort to at a mammoth public rally in Johannesburg on 11 September, 1906.

Indians in the Transvaal courted imprisonment while the editor of the Transvaal Leader, Albert Cartwright, assumed the role of mediator between the Transvaal Colonial Secretary, General Smuts, and the Indian leader, M.K. Gandhi. The latter was prepared to accept voluntary re-registration with modifed details in return for the repeal of the objectionable Ordinance. Whether or not Smuts gave such a promise has become one of the classic debates of this period. There is evidence for both points of view.[25] What mattered was that it was not repealed. Instead, Smuts piloted through parliament an amending legislation, the Asiatic Registration Amendment Act, 1908, reinforcing the principles of the previous measure while making concessions in three directions: British Indians could now register in terms of the 1908 law instead of the 1907 law; Turks were removed from its operations; pre-war residents were protected. There were two points, however, on which Gandhi was not satisfied: the non-repeal of the 1907 law and the absence of provisions for highly-educated Asiatics to enter and reside in the Transvaal.

If the beginning of the passive resistance struggle was due to the introduction of the Asiatic Law Amendment Act of 1907, the continuation, consolidation and extension of it till 1914 was due to other measures and developments: The first of these was the Transvaal Immigrants Restriction Act of 1907. This Law, inter alia, disqualified an immigrant who satisfied the requirements for entry (example, the education test) into the country from remaining in the country if such immigrant fell foul of any other law then in existence in the country. The exact legal definition of a prohibited immigrant raised considerable consternation even in legal circles.[26] It had the practical effect of disqualifying educated Indians from Natal who might wish to enter and stay in the Transvaal since they would not meet the requirements of the registration laws of 1907 and 1908. When an educated Natal Indian tested the operation

of the Transvaal laws in 1908 and was duly convinted, Natal Indians joined the struggle. In 1913 Indian labourers in Natal also joined in the struggle on the issue of the £3 tax payable by all ex-indentured Indians who chose to remain in Natal. In 1912 it was generally believed that Smuts had given a promise to a visiting Indian dignitary and member of the Viceroy's Executive Council, G.K. Gokhale, that the £3 tax would be repealed. When this was not done in 1913, Smuts was pilloried again, as in 1907 (registration) and 1911 (immigration) for not having honoured his word. To the increasing number of passive resisters (called Satyagrahis) in 1913 was added a new force of Indian women throughout South Africa who were outraged by the implications of the Searle judgement in the Cape Supreme Court in 1913 to the effect that all marriages were outside the pale of legal marriages in South Africa with the exception of those celebrated according to rites which did not permit of polygamous marriages and which were registered by the Registrar of marriages. By a stroke of the learned judge's pen all Hindu, Muslim and Zoroastrian marriages, whether de facto monogamous marriages or not, were declared to be illegal: Indian married women (other than Christians) ceased to have the legal status of wives.

1913 marked the apogee of the first passive resistance campaign in South Africa; men and women; rich and poor; Hindu and Muslim; Natalians and Transvaalers, with a sprinkling of Capetonians, waged the struggle together, each with some or other axe to grind or grievance to mitigate. As the scale of operations (time, space and emotions) enlarged so did the issues get out of hand: riots and strikes and violence erupted. South African and Indian Governments both entered into negotiations, a commission of enquiry investigated the causes of the strikes and disturbances on the sugar estates in Natal, the very places which had been nurtured on Indian indentured and free labour since 1860. At the end of it all, the South African Government, acting on the recommendations of the commission of enquiry, passed the Indian Relief Act, 1914 whose main positive provisions were that Indian marriage officers would be appointed; Indian monogamous marriages would be validated; the £3 tax was abolished; Indians born in South Africa before August, 1913 could enter the Cape Colony. Its negative provisions stated that inter-provincial freedom of movement was not allowed; Indians could not own land in the Transvaal; Indians could not settle in the O.F.S. On balance, the Indian Relief Act was generally well received by both parties as representing a forward step, qualified in one important respect. This qualification refers to what both parties expected from the Act: Indians expected just what the Act was called -relief-while most Europeans expected reduction in numbers provided for under Section 6, viz., voluntary repatriation to India.

A few of the outst nding points were cleared up in the Smuts-Gandhi Agreement of the same year aimed at granting administrative relief on humane and cultural grounds: certificates of discharge would be given to all labourers on completion of their indentures; a limited number of plural wives and their children would be allowed to join their husbands or fathers in South Africa; a limited number of South African-born Indians would be permitted to enter the Cape; a limited number of educated Indians would be allowed to enter South Africa; passive resistance offences would not be deemed to be criminal offences for record purposes. The last point which Gandhi made was a plea for an 'assurance that existing laws specifically affecting Indians will be administered justly and with due regard to vested rights'

The period which ended with Gandhi's departure in 1914 had been dominated by him; he was directly responsible for two political organizations and indirectly for the Cape British Indian Association; he organized and directed political activity and protest, guided the passive resistance struggle, showed the efficacy of a partisan newspaper as an agency of protest, underlined the importance of local and external diplomacy and helped to introduce morality into national and international politics. He left the South African Indians with a useful launching pad and the South African Government with an undertaking which aimed at ensuring just treatment for those Indians who chose to live and work in, and affiliate themselves with, South Africa. He left the South African Indian community partly divided on Hindu-Muslim lines and the South African white politicians equally divided on the question of merits and demerits of the Indian factor in South Africa. The Gandhian interlude was a useful one, but temporary, and the next round lay with the newly-created Union Government.

3. <u>The period 1910-1924</u>

In 1909 a delegation comprising the chairman and the secretary of the Transvaal British Indian Association (A.M. Cachalia and M.K. Gandhi respectively) left for the United Kingdom to seek a settlement of the passive resistance struggle as well as a clear statement from the British Government on the status of South African Indians in the impending Union of South African states. The British Government had failed to define this status when its colonies in South Africa had been granted responsible government during earlier years. All that it did in 1910, also, was to make certain recommendations after Union became a reality.

In the South Africa Act, on which Union was founded, Section 147 stated that the 'control and administration of native affairs and of matters specially or differentially affecting Asiatics throughout the Union shall vest in the Governor-General-in-Council... [27] until

legislation providing for them would be introduced. This had the practical effect of inheriting the status quo. An attempt was made by the British Government to draw the attention of the South African Government to some of the more unsatisfactory feature of the status quo as they applied to Indians, in a letter dated 7 October, 1910. The letter recommended that the registration law of 1907 should be repealed; the racial bar to immigration should be replaced by administrative differentiation but that educated persons, whatever their race, should be accorded equal treatment. This representation was a belated effort by a government which had had the opportunity itself to remedy the position in an earlier period but had let the opportunity pass. Now it was requesting the conservative South African Government to do so and the response was predictable: 'Smuts replied that they could not recognize in their legislation the equal rights of all alike to emigrate to South Africa on the ground that, if equality was conceded in principle, the practice would ultimately have to conform to the principle and thus in the end the Asian immigrants would be on the same footing as the European'.[28]

It was precisely the issue of 'footing' which had now to be determined. The first opportunity came with the need for a consolidated immigration law. It took three years, and the appearance and disappearance of two Bills, before the law was finally enacted in 1913. The atmosphere was tense since the passive resistance campaign was in full swing. Gokhale, the high-ranking Indian politician, used tact and diplomacy during his visit to South Africa in 1912 to prepare the ground for an acceptable solution.[29] He went so far as to say that the European community was dominant; that it needed to be reassured that it would not be swamped by Indians; that if Indians accepted the 'closed-door' policy with regard to future immigration those already in the country should receive just treatment and, ultimately, full civic rights.

The Immigrants Regulation Act of 1913[30] was in accord with part of the Gokhale spirit of compromise. The term 'Asiatic' was not mentioned; instead, a prohibited immigrant could be so declared 'on economic grounds or on account of standard or habits of life..unsuited to the requirements of the Union.' Within the next year further improvements were recorded, as already described, in the form of the Indian Relief Act and the Smuts-Gandhi Agreement. The external aspects of the issue of 'footing' were temporarily resolved; the local aspects remained.

The basic issue at the level of local aspects was economic: the acquisition and occupation of land either for residence only or for trade. The question of land loomed large in the history of all black peoples in South Africa in the early years of the twentieth century and became progressively more complex with the passing of the years. The Transvaal led the way. Since 1908 there were two laws[31] which had the effect of preventing Indians (and other blacks) from leasing stands on land proclaimed as a public digging (mining town) or from trading in townships. The detrimental effects were minimized because of four factors: rights acquired before 1908 were left undisturbed; European-owned stands were let to non-Europeans; the provisions were often overlooked and not enforced, especially in the atmosphere of the passive resistance struggle (1907-1914); the Transvaal Companies Act of 1909 made it possible for Indian-owned private companies (with a minimum of two shareholders) with limited liability to acquire land and fixed property and thus to advance their trading activities. The legality of this was upheld in court in 1916.[32]

The upshot was that Indian companies expanded their businesses from capital worth £7,500 in 1913 to £479,327 in 1919, though the per capita population average was only £35. In 1913 there were only 3 such companies; in 1916 (the year the matter was tested in court) 103 companies were registered. In 1919 there were 370 companies in all, enough to raise alarm among whites and to drive the issue of the legality of the companies back into the courts where the transactions were declared in fraudem legis in 1919 by the Provincial Division of the Transvaal Supreme Court, only to be reversed by the Appellate Division in 1920. The legal ping-pong was picked up by the lowest level of government. The municipal council of Krugersdorp despaired of protection from the provincial and central governments and acted directly by interdicting a European firm from permitting Indians to reside on leased European property. Clearly, the issue had to be decided one way or other for the stakes were high; the Smuts-Gandhi Agreement was on trial; the goodwill of the South Africans Whites (and Government) towards the Blacks was on trial; the place of Indians in the Union was on trial. After months of intensive political activity at various levels, the Asiatics (Land and Trading) Amendment Act (Transvaal), 1919, appeared.[33] It consisted of two parts: those lawfully engaged in trade on proclaimed land as at 1 May, 1919 could continue undisturbed; but the second part prohibited the ownership of fixed property by companies in which an Asiatic had controlling influence. The ownership of land by Asiatics through European nominees or acquisition of fixed property by means of companies in which Asiatics did not have a controlling share were not prohibited.

The measure did not grasp the nettle for or against and received, from all parties, the mixed reception it deserved. The status quo was thereby reaffirmed with the one significant change affecting Asiatic-controlled companies. The economic position of the Indian, and the opportunity or lack of opportunity for economic advancement, lay at the root of the matter. The opponents of Indians in the Transvaal banded themselves into an Anti-Asiatic League in 1919, whose programme was taken over by the South African League, while the Indians themselves convened the South African National Indian Emergency Conference in the same year. A million and a half Whites, the League claimed, were challenging two hundered thousand Indians and it demanded that the South African Government produce a clear national policy. For their part the Indians formed the South African Indian Congress in 1923 as their response and preparedness to meet the challenges and threats of 1919.[34] About $\frac{2}{3}$ of them were born in South Africa by this time and they were, consequently, unwilling to repatriate voluntarily. Up to 1932 an annual average of about 2,000 repatriated. Although every effort was made by the South African Government to accelerate this movement, including the appointment of a European recruiting officer in 1924, the doubling of bonuses (from £5 to £10 a head) in 1924, the number remained insignificant. By the end of 1926, only 21,710 returned to India, mostly those who had been born in India.

The call for a national policy soon after the end of the first world war seemed the more urgent from the point of view of the South African League because Indians were not taking advantage of the repatriation scheme but were, instead, expanding trade, agriculture, acquisition of property, and diversification of occupations. The point that was missed then, and subsequently, was that the Indian contribution was not restricted to Indian advancement but to that of the country and economy as a whole. The position in Natal, where the majority of them lived, illustrates the position. In 1925, only one acre in every 125 in Natal was owned by Indians but this was contrasted against the fact that in Durban alone Indian property was worth £1,300,000: The spread was ignored while the concentration was stressed. In agriculture, there were 2,750 independent Indian farmers in 1933 but 12,086 worked on European-owned farms. In that year 594 worked in mines, 6623 in industries, 1210 in transport, 2976 in public administration, 3500 in hotels and domestic service and 2519 in sundry positions - all of which were European-owned, European-controlled or European-oriented enterprises. Against this, the fact was highlighted that in 1926 there were 10,020 Indians holding trading licences.[35]

The South African Government responded to the call for a national policy by setting up the Asiatic Enquiry Commission in 1921 to enquire into Asiatic land and trading rights in South Africa. In its report the Commission recommended that the restrictive measures already existing in the Transvaal should be retained; that repatriation should continue to be voluntary; that segregation, similarly, should be worked out in such a way as to be voluntary. It made a special point of land in Natal for farming or agricultural purposes: Indians should be confined to the coastal belt extending 20-30 miles inland.

This was not what the South African League, and related opinion, wanted. The voluntary aspects of the report; the limited agricultural areas were not a clear enunciation of national policy and the Minister of Interior, Patrick Duncan, explained why: 'This was a question in which they must look outside South Africa, and even had they the nationalists' panacea of an independent South African republic, that would not help them...This matter was not merely one of a conflict of races, it was a conflict of civilization.....' In short, it was the connection with the British Empire which could not be ignored. An Imperial Conference was to be held later that very year[36] to be followed by another two years later. Local and Provincial governments, however, felt less constrained by international diplomacy, and restrictions on trading licences and ownership and occupation of land continued until the Central Government, fearful of its own position at home, where a general election was due in June, 1924, took steps in January to introduce the Class Areas Bill to provide for compulsory trading and residential segregation of Indians, thus ignoring totally the voluntary aspects recommended three years previously.

Clearly, this measure, coming a decade after the Indian Relief Act and the Smuts-Gandhi Agreement of 1914, was the boldest declaration of government policy on the matter of the place or footing it was prepared to accord to the South African Indians. The Indian Government sent the poetess and politician, Mrs. Sarojini Naidu, in February, as it had sent Gokhale in 1912, to soften the blow. But other blows, sharper and more durable, were soon to fall: in June, General Smuts, the international statesman, was replaced as prime minister by General Hertzog, the national statesman. In December that year Indians in Natal lost the municipal franchise, a measure which the Smuts Government had hesitated to approve during the previous two years.[37]

With the advent of the Pact Government headed by Hertzog the long journey was begun towards the achievement of dominion status, the primacy of national as opposed to international objectives, compulsory segregation, and the creation of the republic. If the period 1910-1924

marked a search by Indians for a place in the new unified state, the place was now proposed on the basis of compulsory segregation. A period of bargaining before the actual demarcation was all that remained.

4. The period 1924-1948

The bargaining was based on an ominous premise, enunciated by the new Minister of the Interior, Dr. Daniel Francois Malan, when he introduced the successor to the Class Areas Bill on 23rd July, 1925,[38] 'that the Indian, as a race in this country, is an alien element in the population, and that no solution of this question will be acceptable to the country unless it results in a very considerable reduction of the Indian population of this country.' The Bill aimed at more than that, with residential and commercial segregation, land ownership, especially in Natal, and restrictions on the entry of Indian women.

High-level bargaining opened at Cape Town on 17 December, 1926 at the first Round Table Conference between representatives of the South African and Indian Governments. The two items on the agenda were 'Limitation of Indian Population' (i.e. from the point of view of the South African Government) and 'Examination of ways and means to enable Indians resident in the Union to conform to western standards of life with special reference to sanitation and education' (of interest to the Indian Government). After fifteen days of hard but friendly bargaining the Cape Town Agreement emerged.[39] It contained eight clauses which may be summarized as follows: both governments recognized the right of South Africa to maintain western standards of life; the South African Government recognized that Indians domiciled in the country who were prepared to conform to western standards of life should be helped to do so; the South African Government agreed to organize an assisted emigration scheme to India or elsewhere for those who wished to avail themselves of it. (South African domicile rights would be forfeited after three years continuous absence); the Indian Government recognized their obligation towards such emigrants; the entry of wives and minor children of Indians permanently domiciled in South Africa would be regulated by the Reciprocity Resolution of the Imperial Conference of 1918; to give the Agreement a fair trial the South African Government agreed not to proceed with the Bill introduced in 1925; the two governments agreed to exchange views from time to time on the working of the Agreement; the South African Government requested the Indian Government to appoint an agent in South Africa for effective co-operation between the governments.[40]

Like the Smuts - Gandhi Agreement of 1914, the Cape Town Agreement of 1927 was a two-edged creation: the South African Government would judge its success by the efficacy of the assisted emigration scheme; the Indian Government would look to the upliftment of Indians towards the goals of western civilization. Western civilization would bring the day of assimilation closer but assimilation was precisely what the official policy of compulsory segregation was intended to prevent.

The assisted emigration scheme was different from the earlier voluntary repatriation scheme: the terminologies used were more acceptable; renunciation of domicle was not required; the bonus was raised to £20 per head without a ceiling; the Indian Government advised and assisted the emigrants on arrival. In spite of these facilities the scheme was not as successful as the South African Government hoped it would be.[41] In December, 1929 the South African Government informed the Indian Government that the drop in the number of emigrants was considered as difficult and serious; that public support for the Cape Town Agreement was in jeopardy because of it; that it had appointed a Select Committee to enquire into the alleged violation by Indians in the Transvaal of the laws regulating the occupation and ownership of property to placate public opinion. The odds were loaded against the success of the scheme[42] and the position called for a fresh appraisal. This was undertaken by the second Round Table Conference in 1932.

There was the other aspect of the Cape Town Agreement, viz., the upliftment of South African Indians to western standards. Here notable developments were recorded: the amount of money spent on Indian education almost trebled in the period 1926-1930; the number of Indian schools in Natal increased from 52 in 1928 to 78 in 1931; Sastri Training College opened in 1929. The same could not be said for housing provisions especially because of the conservatism of the Durban Municipal Council but a beginning was made with labour organization through the formation of the South African Indian Trade Union Congress in 1928.[43] Indians in South Africa were qualifying faster for entry into a western milieu in South Africa than they were preparing to emigrate to India.

This point was noted when the second Round Table Conference convened in Cape Town in January, 1932. Dr. Malan drew attention to it in the indisputable statistical returns: between 1926 and 1930 the Indian population in South Africa had increased by 11.18 per cent while the European population had increased by 10 per cent. The Conference also admitted that the fact that 80% of the Indian population in 1932 was born in South Africa was equally indisputable. Dr. Malan could, therefore,

a settlement in any true sense of the word'. The Conference agreed, though, to explore the possibility of a colonization scheme to settle Indians from India and from South Africa in other countries. It was the Indian delegation which proposed this[44] because of its dilemma over the failure of the assisted emigration scheme.

The colonization scheme was duly announced in South Africa in 1933; an Indian Colonization Committee was set up and a report appeared in 1934 suggesting British North Borneo, British New Guinea and British Guiana as possibilities but the scheme was firmly rejected by the South African Indians. They had good reasons for rejecting this besides holding on to their birthright: the Asiatic Enquiry Commission of 1921 had commented favourably on their contribution to South Africa; the Asiatic Land Tenure Commission of 1932, headed by Justice Feetham, reported that it was not proved that the number of persons who were in illegal occupation of land in the Transvaal was as large as the complaints claimed; that even the volume of wholesale trade was not as great as it was made out. Then came the Indian Colonization Enquiry Committee report in 1934 drawing attention to the increasing all-round contribution: 'Generally speaking the Natal born Indian is educationally and socially in advance of his parents as he speaks English as well as his mother tongue, and while retaining his religion has become largely westernized and is no longer content to live as his father did on the limited rewards of rough and unskilled labour.'[45] Statistics on convictions for serious crime by race per 10,000 for the period 1926-1931 gave the lowest average to Indians.[46]

In spite of the favourable reports, the issues of acquisition and occupation of property, commercial and industrial activities, social and residential segregation, continued to pick up momentum whatever the learned or judicial commissions had to say. What the White electorate desired was legislation which should at least peg the position where it was and thus prevent penetration into European areas or European spheres of predominance. Indeed, the Indian Penetration Commission under Justice Broome investigated the issue of penetration between 1927 and 1940 and found 339 cases in the Transvaal, the majority for trade, and 328 in Natal (excluding Durban) and 525 in Durban for both residence and trade. But on examining the position further, the Commission found important extenuating circumstances: in the Transvaal, it found that 111 cases had occurred in the unproclaimed portion of the municipal area of Johannesburg which had been predominantly European in 1927 but had lost its predominance since then through the phenomenon of urban migration. What the Indian investors had done was normal and legitimate and the facts, said Justice Broome, did not represent a situation which can by any stretch of imagination be described as 'critical'. In

Durban, similar circumstances were adduced: in the Old Borough of Durban (up to 1932, 13 square miles) there were 512 cases of penetration but 362 of the sites had been acquired but not occupied. In the new Borough (created 1932, 67 square miles) Indians had acquired 1759 plots, of these 730 actually adjoined lands already in Indian occupation. The conclusion was that the areas added to the New Borough were not predominantly European in 1927. In its concluding remark, the Commission said '...we desire to report that we do not believe there is any general desire on the part of Indians to live among Europeans. Where they have acquired properties in European areas they have been actuated by the desire to make money, or by the desire to live in areas that are more attractive to them for reasons other than the presence of Europeans there.'.

Two years later Justice Broome presented his second report on the position in Durban between 1940 and 1943, showing that 326 cases had occurred and that more money had passed hands in these transactions over 29 months than had been the case over 13 years. He attributed this to the war conditions which imposed restrictions on investment opportunities in other spheres and on the psychological behaviour of the Indians which prompted them to pass 'through the door while it is still ajar'. Sensing an impending ban, they rushed in. The Natal Indian Congress gave a third reason for this: the willingness of the building societies to grant loans in certain areas and not in others. It was in such areas that the majority of properties were acquired between 1940 and 1943.

Whether legal or illegal, whether based on emotion or on fact, the position of the South African Indian had reached such a state in the 1940's that the White electorate doubted his economic credentials and motives, suspected his social designs and was irritated by his political activities. A clear-cut national policy had still not emerged. He was still deemed to be an alien though approaching the 90% mark of local vintage. He was without political rights. The South African Indian had, however, done much for himself politically by way of protest, agitation, conferences, delegations but nothing in the way of joining hands with other deprived communities, either before Gandhi or since. This could be explained largely by the absence of common origins, common affiliations, common disabilities expressed in the same law. General disabilities were not difficult to identify but these were imposed at different times and on the basis of separate action. The Natives Land Act of 1913 and the Asiatic Land Tenure and Indian Representation Act of 1946[47] were cases in point.

The meeting of the ways, however, came about in and after 1948 when Dr. Malan's Nationalist Party took over the government, postulated the theory and practice of Apartheid, recognized South African citizens of different backgrounds, worked out the balkanization of South Africa, political representation for every community, and its own departure from the Commonwealth and from much of the international fraternity. Here for the first time was a South African Government, for better or for worse, freed from the shackles of equivocation.

5. The period 1948-1974[48]

On the Indian factor, Dr. Malan's election manifesto was clear; 'The party will strive to repatriate or move elsewhere as many Indians as possible; the present ban on Indian immigration, inter-provincial movement and penetration will remain and be more stringently maintained.' Three months after assuming office, plans were announced to introduce 'Apartheid': the 1946 Act togive Indians representation in parliament was to be repealed;[49] African representation in parliament was to be abolished;[50] Coloureds in the Cape were to be removed from the common roll;[51] separate universities were to be established.[52] By a single stroke the destinies of all black peoples in South Africa were mapped out. This process of forging common links was further helped by the unfortunate race riots, involving Indians and Africans, which erupted in Durban on 13 January, 1949. Tension had been building up towards this for some years. It was aggravated by lack of discipline, bad example, unsatisfactory local conditions which affected both parties. The tragedy resulted in 50 Indian and 87 African fatalities, 541 African and 503 Indian injuries. A small number of members of other communities were affected incidentally or accidentally. At the end of the tragedy the African National Congress and the South African Indian Congress joined hands to come to the root of the problem. Thus Indo-African relations were advanced by Nationalist politics as well as by the tragedy of the race riots.

Nationalist politics were of national, inter-national, and international dimensions. At the national level the Group Areas Act of 1950 led the way[53] creating compulsory social, residential, and commercial segregation. Its detrimental effects were felt by all communities but none more than the Indians who now faced economic strangulation: land for trading, industrial and residential purposes was to be proclaimed for the different race groups. In the 20 - odd years of its operation in South Africa hundreds of thousands have been uprooted and re-settled, often at great financial loss. The finest geographical areas have been set aside for occupation by favoured groups. The Community Development Act has the legal power to expropriate property at a month's notice without a court order and thus make it possible for the Group Areas Act

to achieve its objectives. Amenities, including schools, roads, sanitation, parks, and recreation are provided on a sliding scale from most-favoured to least-favoured communities. The Group Areas Act does not, and could not, provide separate but equal facilities. Since 1966 the practice of deproclamation of certain areas has introduced a frightening and unsettling dimension.

Following on the Group Areas Act came other differentiating measures in 1951 which called for joint action and the African National Congress and the South African Indian Congress established a Joint Planning Council, appealed to the Prime Minister and proclaimed 6 April, 1952 as a day of protest and demonstrations. A passive resistance campaign was launched later that year and thousands courted arrest: These developments continued till 1960 when the Congresses were either proscribed or restricted and the ringleaders either banned or detained.

At the inter-national level another series of talks, the last of the kind, between Indian Government representatives and South African Government representatives, with representatives from the Pakistan Government present for the first time, opened in Cape Town in 1950. It was in effect convened to prepare the ground for the third Round Table Conference. Once again South Africa looked upon the talks as providing further opportunity to consider ways and means to reduce the South African Indian population; the other side considered the removal of political, social and economic disabilities of South African nationals of Indo-Pakistan origins to be the main target. In the event, the polarization of objectives, the worsening local scene, the hardening international scene, put paid to the chances of a third Round Table Conference. Instead, the South African Government requested the Indian Government to withdraw its diplomatic representation as from 1 July, 1954.

At the international level, South African politics featured prominently at the United Nations since its formation in 1945. One of the first items discussed at the U.N. (under a different form of words in the historical context) and a hardly annual till 1962, was the 'Treatment of people of Indian and Indo-Pakistan origin in the Republic of South Africa.' In 1952, as a result of local events in South Africa a new item appeared entitled 'The question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa.' Since 1962 both items have merged and it is Apartheid which comes up annually and periodically. Since 1952 the U.N. has kept the position under review through its Commission on the Racial Situation in South Africa. The direct force of the U.N. is limited by the provisions of article 2(7) of its Charter which debars interference in the domestic affairs of a member State. The indirect force is, of course, unlimited and is given expression in various forms such as

debates, resolutions, economic sanctions and boycotts. This latter force cannot be ignored since it concerns South Africa's de facto place in the international community of nations. It is to meet this situation as well as the de jure aspirations of all its communities and subjects that the South African Government has worked out a system of political representation, within the framework of Apartheid, which characterizes the contemporary scene.

Within the framework of the official designation of South Africa as a multi-national country, ~~eight~~ nine African political entities have been created since 1951;[55] each with its ultimate legal citizenship and independence; the Coloured Persons' Representative Council, improving from a membership of 27 in 1959 to 60 in 1969,[56] provides separate political representation for Coloureds while the political position of the Indians evolved along similar lines since 1960.

In 1960 Prime Minister Verwoerd departed from Dr. Malan's 1948 statement that Indians were aliens in South Africa. He acknowledged that they were South Africans 'with a permanent place in the country.'[57] Indians had been in South Africa since 1860 in exactly that same legal position which had been confirmed implicitly in the South Africa Act of 1910 and the Cape Town Agreement of 1927. The programme of 'voluntary repatriation' and 'assisted emigration' did not in any way alter that legal position. What was new in the statement of 1960, and the events and developments subsequent to it, was that the government was prepared (as indeed Smuts had been in a more limited way in 1946) to give recognition to it by way of providing specific political machinery.

In August, 1961 the Department of Indian Affairs was created and the first Minister of Indian Affairs, Mr. M.A. Maree, took office.[57] The functions of this Department are to promote the interests of the Indian community, to provide means, opportunities and facilities to meet the needs of the Indian community, to provide auxiliary services, to administer laws applicable to Indians. Among its more important and conspicuous responsibilities are those concerned with welfare institutions, higher Indian education (technical and university) and the South African Indian Council.[58]

The last-named Council, originally known as the National Indian Council, was constituted on 3 February, 1964 after a conference of invited delegates at Pretoria in December, 1963. In an earlier statement the Minister of Indian Affairs outlined the ultimate objectives and scope of the Council: 'It is the intention, in accordance with Government policy, to establish in the course of time a representative Indian Council, which will eventually consist of elected representatives with legislative and administrative powers in respect of all matters directly affecting the Indian community, such as social services, education, local government etc. In addition the Council will, at the

highest level, consult with the Government and with Ministers on all matters of importance of the Indian community, such as opportunities for employment, industrial development and the development of local government'.[59] The statement admitted that in view of 'disunion within the ranks of the community' the beginning would be with a nominated advisory council. The first such council comprised 22 persons.

The South African Indian Council as a statutory body[60] came into existence in July, 1968 with a membership of 25 nominated members, 15 from Natal, 7 from the Transvaal and 3 from the Cape. The functions of the Council were stated to be five-fold: to advise the Government at its request on all matters relating to the Indian population, to receive and consider recommendations and resolutions of the Education Advisory Council, to make recommendations to the Government in regard to all matters relating to the Indian population, to make recommendations to the Government in regard to any planning calculated to promote the interests of the Indian population, and to serve as a link between the Government and the Indian population.[61]

At the level of local governments, consultative committees were instituted in the Transvaal and local affairs committees in Natal since 1963. At the end of 1970 there were 8 such committees in the Transvaal and 17 in Natal. These committees have four stages of advancement in their composition and scope: in the first stage the membership of five was nominated by the Administrator of the Province; in the second stage three of the five members were elected; the third or township stage (reached by Verulam in 1969 and Isipingo in 1972, Umzinto in 1974) was arrived when the area under the committee's jurisdiction qualified to become an independent local authority governed by Indians, elected by Indians and staffed by Indians. Until the third stage is reached, the functions of the committees are purely advisory and consultative in relation to the 'parent local authority' which is the all-White town or city council. The provision of 'management committees' is intended to bridge the gap between the second and third stages. The fourth and ultimate stage is that of borough status which both Verulam and Isipingo have applied for in 1974.

The South African Indian Council and the local committees have been in existence for up to a decade. Though received with suspicion they have come to occupy an important place in the political life of the community. Their achievements have been limited by their circumscribed roles. Advice and consultation succeed not because of their inherent merit but because of acceptance and implementation on the part of the 'parent' body. For the first decade the restricted roles have, perhaps, been necessary to allay suspicions, create confidence, accumulate experience and cultivate initiative. In the second decade more powers, more functions and more of the elective principles would enhance the creation and place the concept and the reality of the 'multi-national'

situation in better light. Mr. Joosub, first Chairman of the South African Council, summed up the position from the inside in his remarks to the Institute of Race Relations in Cape Town on 29 January, 1970: 'We realise that we are in a minority group, but that does not mean that we do not air our grievances, and although all is not as we would wish it to be, our grievances are listened to. The Council has full access to the Minister of Indian Affairs, and to the Secretary of his department, and because of that access our situation is continually being improved. We look forward to the time when the Council will be an elected body with certain legislative powers and administrative functions relating to our community. We had no such contact with the government before.'

Conclusion

The political, educational, economic and industrial advancement[62] of the South African Indian community in the last decade has no historical equal in the annals of the history of South Africa. This community is as poised and prepared as its other, historically-viewed, black counterparts are for a bigger, better and more meaningful share in the South Africa of a single nation or of a multi-national complexion and character. Its history can be written, studied and taught through commission reports, through political speeches, through conference debates and reports in South Africa and elsewhere, in local, national and international chambers, and through the private and public papers of friends and foes. Various allegations have been levelled against this community in the period of 114 years since the first arrivals, based mainly on emotion and on fear. These have to be understood and explained in the context of the South African scene and the South African way of life as well as in the context of the international scene which South Africa has done so much to adorn as well as to irritate. The history of the Indian community in South Africa is that of its smallest minority. Its variety and vigour in terms of capacity, contribution, action and counter-action belies its numbers.[63]

FOOTNOTES

1. According to the last census on 6 May, 1970, the figures were as follows: Africans: 15,057,952; Whites: 3,751,328; Coloureds: 2,018,453; Asians: 620,436.

2. They were repealed by Act 25/1891 as a capitulation to European sentiments which were aimed at frustrating commercial competition. The fact that they were originally embodied in Law 14/1859 reiterated in Law 2/1870 suggests that at crucial stages in the negotiations for indentured Indian labour, the first time when the scheme was about to commence and the second time when the scheme was about to re-commence after official termination from the Indian end in view of unfavourable factors in Natal, these incentives had to be offered as further inducements. In short, labour was not to be had for the mere asking.

3. In 1894 it was calculated that the cost per head to recruit this indentured labour was £26.3.9. The employer's share was £15 only, the rest was borne by the Natal Government and represented almost 40% of the outlay. The contribution of the Natal Government was stated to be up to £10,000 annually between 1874 and 1894. See R. Burrows, Indian Life and Labour in Natal, South African Institute of Race Relations, Johannesburg, 1953,1.

4. B. Pachai, The History of Indian Opinion, Archives Year Book for South African History, 1961, Government Printer, Cape Town, 1963, 12.

5. Law 12/1872 in terms of which a Protector of Indian Immigrants was appointed; Indian marriages were registered; civil jurisdiction was granted to the Protector; visits of inspection of estates were undertaken by the Protector; free Indians were not to be subject to floggings; medical assistants were appointed.

6. H.P. Chattopadhyaya, Indians in Africa: A Socio-Economic Study, Bookland Private Ltd., Calcutta, 1970, 39.

7. Natal Blue Book, vol. 84,1900. Report of the Protector of Indian Immigrants.

8. Pachai, Indian Opinion, 17-20

9. A.I. Kajee, P.R. Pather, A. Christopher, Treatment of Indians in South Africa. A memorandum of facts, South African Indian Congress, 1946, 7-8

10. Supra, fn.2

11. Act 17/1895. In 1903 the terms of the law were extended to children.

12. Act 8/1896. The Natal Charter of 1856 was non-racial. Any person over the age of 21 who possessed immovable property to the value of £50 or rented property to the value of £10 a year was eligible. In 1865 Africans were excluded; in 1896 it was the turn of the Indians.

13. Act 1/1897 14. Act 18/1897.. 15. Law 3/1885.

16. At the end of 1894 there were 200 Indian traders, 2000 hawkers and 1,500 labourers in the Transvaal. Of the labourers, 1000 worked in Johannesburg alone. Pachai, Indian Opinion, 22.

17. Peace Preservation Proclamation of 1902, amended in 1903. It was in 1903 that Lord Milner asked the Asiatics to re-register voluntarily to confirm their right of residence. This was agreed to by the Indians.

18. One of these was Act 11/1895 which subjected Indians to curfew regulations, restrictions in the use of pavements, tramcars etc., but the main restrictions were connected with immigration and trading laws based on the Natal model.

19. H.S.L. Polak, The Indians of South Africa. Helots within the Empire and how they are treated, G.A. Natesan, Madras, 1909, 83-4. P.S. Joshi, The Tyranny of Colour, E.P. and Commercial Printing, Durban, 1942, 53.

20. E. Hellmann, ed. assisted by L. Abrahams, Handbook of Race Relations in South Africa, O.U.P., 1949, 9.

21. Unless otherwise stated, this section is based on the books, B. Pachai, The International Aspects of the South African Indian Question, 1860-1971, Struik, Cape Town, 1971, chapter two, 21-68 and B. Pachai: The History of Indian Opinion.

22. Because of the refusal of the Indian Government to permit emigrant labour to the Transvaal, the Chamber of Mines, for example, recruited 54,000 Chinese labourers between 1904 and 1907.

23. Autobiography or My Experiments with Truth, Navajivan Publishing House, Ahmedabad, 1927; Satyagraha in South Africa, ditto, 1928

24. The author has himself written various articles, two booklets and a book on the Gandhian contribution to South African history. These are: 'Life of Mahatma Gandhi in South Africa,' Indian Centenary Committee, P.M. Burg, 1960; 'Gandhi and his South African journal Indian Opinion,' African Quarterly, New Delhi, 1969; Mahatma Gandhi and Africa, South African Institute of Race Relations, Johannesburg, 1969; Gandhi and Africa, Indian High Commission, Blantyre, 1969; The History of Indian Opinion, Government Printer, Cape Town, 1963.
The most recent publication is R.A. Huttenback, Gandhi in South Africa; British Imperialism and the Indian Question, 1860-1914, Cornell University Press,,New York, 1971.

25. These are discussed briefly in Pachai, Indian Opinion, 45-6.

26. This particular clause defining a prohibited immigrant read as follows: 'any person who at the date of his entering or attempting to enter this colony be subject to the provision of any law in force at such date which might render him liable either at such date or thereafter if found therein to be removed from or to be ordered to leave this colony whether on conviction of an offence against such law or for failing to comply with its provisions or otherwise in accordance with its provisions.'

27. E.H. Walton, The Inner History of the National Convention of South Africa, Maskew Miller, Cape Town, 1912, Appendix 1.

28. Pachai, Indian Opinion, 55

29. In the main, Gokhale's mission was concerned with the abolition or repeal of Act 2/1907 (registration), the racial bar to immigration, Act 17/1895 (the £3 tax).

30. Act 22/1913

31. The Townships Amendment Act 34/1908 and the Precious and Base Metals Act 35/1908.

32. Reynolds vs Oosthuizen, Witwatersrand Local Division, Transvaal Supreme Court, 1916.

33. Act 37/1919.

34. This body remained the sole national body until 11 September, 1948 when the South African Indian Organisation was formed.

35. Report of the Indian Colonization Enquiry Committee for 1933-1934, U.G. 23/1934, 45-47.

36. At the 1921 Conference India's delegate, Srinivasa Sastri succeeded in getting a resolution adopted drawing attention to 'an incongruity between the position of India as an equal member of the British Empire, and the existence of disabilities upon British Indians lawfully domiciled in some other parts of the Empire.'

37. The Natal Townships Ordinance, 3/1924 and the Natal Boroughs Ordinance, 18/1924.

38. The Areas Reservation and Immigration and Registration (further Provision) Bill.

39. Its terms were announced simultaneously in India and South Africa on 21 February, 1927.

40. Papers relating to the Round Table Conference between the representatives of the Government of India and of the Government of the Union of South Africa on the Indian Question in the Union, 1926-1927, 347.

41. Under the new scheme 1655 left in 1927; 3477 in 1928; 1328 in 1929 and 1012 in 1930.

42. Papers relating to the Second Round Table Conference between the representatives of the Government of India and of the Government of the Union of South Africa on the position of Indians in the Union, 1932, scheme of assisted emigration, 1-14. Among the reasons given were difficulties of assimilation, caste problems, lack of employment opportunities, climatic conditions, negligence on the part of the Indian Government, adverse publicity in the press and in certain publications like that by Bhawani Dayal, Public Opinion on the assisted emigration scheme under Indo-South African Agreement, Bihar, 1931.

43. Round Table Conference, 1932, Certain aspects of upliftment of Indians in the Union, 1-11.

44. The 'Brief of Instructions' to the delegates, 1931, on the scheme of assisted emigration, 13 refers to this as follows '....it is suggested that the delegation may offer to advise the Government of India to assist the Union Government in exploring such possibilities on condition that initiative in this matter is taken by South Africa. The Government of India have sent special missions in the past to investigate possibilities of further Indian colonisation in Fiji and British Guiana...'

45. Report of the Indian Colonization Enquiry Committee, 13, para. 63.

46. Pachai, International Aspects, 149, fn 33. The figures were: Coloured 65.00, Africans 32.13, Europeans 15.45 and Indians 15.40.

47. Act 28/1946. This replaced the Pegging Act of 1943 by which the acquisition and occupation of property in the Transvaal and Natal

and Uncontrolled Areas (Asiatic areas) and offered political representation to Indians on a communal basis: 2 Europeans in the Senate; 3 Europeans in the House of Assembly; 2 Indians in the Natal Provincial Council. Voting qualifications were 21 years of age, union nationality, standard six education and either income of £84 per annum or property worth £250. The entire measure was rejected by the Indians

48. If not otherwise stated, information on this period is based on Pachai, International Aspects, 218-283.

49. This was achieved by the Asiatics Law Amendment Act, 47/1948.

50. Bantu Authorities Act, 68/1951.

51. Separate Representation of Voters Act, 46/1951.

52. Extension of University Education Act. 1959.

53. Act 41/1950

54. The landmarks are Bantu Authorities Act, 1951; Promotion of Bantu Self-Government Act, 1959; The Bantu Homelands Citizenship Act, 1970; The Bantu Homelands Constitution Act, 1971. See Department of Foreign Affairs of the Republic of South Africa, South Africa A Multi-National Country, 1971

55. In 1959 an Advisory Council for Coloured Affairs was constituted with 15 nominated and 12 elected members. In 1969 the Representative Council was set up with 20 nominated and 40 elected members. Muriil Horrell, Action, Reaction and Counter-Action, South African Institute of Race Relations, 1971, 125-132.

56. C.F. Mulder, 'The Rationale of Separate Development' in Nic Rhoodie, ed. South African Dialogue, McGraw-Hill Book Company, Johannesburg. 1972,56.

57. Between August, 1961 and February, 1974 there were four Ministers: Mr. W.A. Maree (1961-1966); Mr. A.E. Trollip (1966-1968); Mr. F.W. Waring (1968-1973); Mr. O.P.F. Horwood (1973—)

58. Report of the Department of Indian Affairs, 1961-1970, R.P. 51/1971, 1-7.

59. Statement at Pretoria, 23 November, 1963.

60. Act 31/1968.

61. The Chairman of the Council of 25 is elected by the whole Council while the chairman of the Executive Committee of 5 is nominated by the Minister. The first chairman of the Council was Mr. H.E. Joosub while the first chairman of the Executive Committee was Mr. P.R. Pather, Veteran Indian politician who died on 27 January 1970, to be succeeded by Mr. A.M. Rajab who died in late 1973 and was succeeded by Mr. J.N. Reddy.

62. In early 1974 two educational milestones were recorded which symbolize the advancement: the appointment of the 28-year old, Dr. Ranchod, who has a brilliant academic record, to the Chair of Law at the University of Durban-Westville, only the second

Indian professor in a decade to be so elevated; and the appointment of the first four Indian members to the University Council of the University of Durban-Westville (Messrs K.P. Desai, H.E. Joosub, A.M. Moola and H.E. Sultan).

63. A useful book on aspects of the position reviewed in this paper is A.L. Muller, Minority interests in the political economy of the Coloured and Indian communities in South Africa, South African Institute of Race Relations, Johannesburg, 1968.

On the 30th August, 1973, the Minister of Indian Affairs issued a press statement to the effect that the Council will, after the expiration of its present term of office on the 31st August, 1974, be reconstituted as follows:

(i) The Council will be increased from 25 to 30 members.

(ii) Fifteen members will be elected.

(iii) Fifteen members will be appointed by the Minister.

It was also stated that in the absence of voters' rolls and in view of certain practical difficulties which could not be overcome within that period of time, the election of the fifteen members will take place by means of a system of electoral colleges on a provincial/regional basis, the details of which were being worked out in consultation with the Council.