

SATYAGRAHA 1906 TO PASSIVE RESISTANCE 1946-7
(compiled by Muthal Naidoo)

This is an overview of events. It attempts to provide a chronological sequence of the struggle for land and the opposition to segregation and repatriation

1906 – 1914 SATYAGRAHA

1. 1906 'THE BLACK ACT'

In 1906, the British Government granted the Transvaal self-government and in the new Afrikaner Government that was established, General J. C. Smuts, a prominent Afrikaner leader, became Education Secretary and Colonial Secretary.

Smuts regarded the influx of Asians (Indians and Chinese) into the Transvaal as a threat to Afrikaner development. He was determined to put a stop to immigration and was looking for ways to deport Asians. To control their expansion and mobility, he introduced the Asiatic Law Amendment Bill.

This law, which Indians called 'The Black Act', required the registration and fingerprinting of Indians, and the carrying of registration certificates (similar to passes) at all times. The law raised great indignation amongst Indians and led to many mass meetings.

At the meeting held in the Empire Theatre in Johannesburg, Gandhi introduced the idea of Satyagraha - resistance through non-cooperative, non-violent action and sacrifice. Gandhi coined the word Satyagraha from "sat" meaning truth and "agraha" meaning force. Satyagraha is commonly taken to mean passive resistance, a term that Gandhi did not like. Satyagraha is not passive. It means Truth-Force, i.e. the power of moral truth to bring about change through resistance.

When the "Black Act" was passed in 1907, there was an almost total boycott of the registration procedures. Gandhi was imprisoned and then ordered to leave the colony. He was imprisoned again when he refused. Smuts was obliged to enter into negotiations with him and together they agreed on the withdrawal of the Act and on voluntary registration.

In good faith, Gandhi led the Indians in registering and obtaining certificates. But the Act was not repealed. A Satyagraha campaign was organised and registration certificates were publicly burnt in the grounds of the Hamidia mosque in Johannesburg.

In 1908, in defiance of the Transvaal Immigration Restriction Act which barred all non-resident Indians from entering the Transvaal without permits, Gandhi led a protest march from Natal across the Transvaal border, was arrested and sent to prison while about sixty others were deported to India.

In 1909, white South Africans were negotiating with the British for the establishment of a self-governing state – the Union of South Africa. Gandhi, at the head of a delegation of Indians, took the demand for the repeal of anti-Asiatic laws to London. The delegation was unsuccessful and when South Africa became a Union in 1910, Gandhi could no longer depend on British intervention.

He then set up Tolstoy Farm on land donated by Hermann Kallenbach, a friend and follower of Gandhi and a satyagrahi. P.S Joshi, in his book, *Tyranny of Colour*, states that the farm "was established with a view to training an army of non-violent volunteers." (70) It is clear that Gandhi envisaged a struggle that would last for many years.

The other urgent reason for the establishment of the training camp at Tolstoy farm was the hardship that satyagrahi families suffered.

2. A SATYAGRAHI FAMILY

Life for the families of those early satyagrahis was very uncertain. To understand what they suffered, we will look at one family: the family of CK Thambi Naidoo. Thambi Naidoo worked closely with MK Gandhi from 1906-1914, the time of the first Satyagraha campaigns.

These campaigns were protests against the anti-Asian laws being passed by the Transvaal Government.

A principled, disciplined and brave fighter, Thambi Naidoo, according to his daughter, Thayanayagie (Thailema), "thought only of his duty and not of his personal affairs".

His grandson, Visoo Pillay (Nava Pillay's late father) always proudly recounted the following incident. Once when a group of protesters under Thambi Naidoo's charge was picketing against the TARC (Transvaal Asian Registration Certificate), Gandhi came to tell him that his wife had given birth to a stillborn child. Apparently Thambi retorted very sternly, "Do you not see that I am on duty? Go and bury the child yourself."

Some believe that his unwavering commitment set an example even for Gandhi. According to Visoo Pillay, Gandhi's secretary is credited with saying, "No Thambi Naidoo, no Mahatma Gandhi." Visoo also believed, "Mahatma Gandhi came here a lawyer and we made him a politician."

Thambi was an inspiration to his sons and daughters all of whom became activists in the struggle against colonialism and apartheid.

But Thambi's commitment and dedication were hard on his wife, Veerammal and the children. They understood the importance of his involvement in political activities, but it became difficult to survive without him when he went to prison in 1907. With Gandhi and other protesters, he was imprisoned for refusing to accept registration under the Asiatic Law Amendment Bill ('The Black Act').

Veerammal had to take on his role as provider. As a mother, she understood the needs of her seven children, but the requirements of her husband's business were beyond her and the responsibility terrified her. Thambi had built up a substantial enterprise in Johannesburg, selling fruit and vegetables from his horse-drawn carts.

When he was sent to jail, Veerammal couldn't cope. She sold off the horses and carts one by one until there was nothing left to sell. Then there was no money to pay the rent. She and her children were put out on the street and had no home. They were rescued by her brother who took them all into his home on President Street. When he too was arrested, they were destitute again.

This was how it was for many activists' families.

Gandhi became very concerned about this situation. When his friend and follower, Hermann Kallenbach, an architect, offered him a farm of 11 000 acres at Lawley, twenty-one miles south west of Johannesburg, as a refuge for the satyagrahis and their families, Gandhi gratefully accepted.

That was how Tolstoy Farm, named in honour of the Russian author, Leo Tolstoy, whom Kallenbach greatly admired, came into being in 1910. For Gandhi, the farm was much more than a refuge. It was a training camp, a place where *satyagrahis* could arm themselves for the struggle through the practice of self-discipline and self-sacrifice.

Along with many other activists, Thambi Naidoo moved to Tolstoy Farm with his family.

3. TOLSTOY FARM

Hermann Kallenbach (1871 – 1945) was born in East Prussia. He had studied architecture in South Stuttgart and Munich. In 1896 he came to South Africa, where he practiced as an architect.

He met Mohandas Gandhi in 1904 and became a friend, confidante and follower. Along with H.S.L. Polak, Kallenbach was integrally involved with Satyagraha and Gandhi's Phoenix Settlement in Durban and his newspaper, *Indian Opinion*.

In 1910, Kallenbach and Gandhi came up with the idea of a place of safety and a training camp for satyagrahis. So Kallenbach purchased the farm, Roodepoort No. 49, from Johannesburg Town Councillor L. V. Partridge.

It is located in a south-western corner of the Johannesburg municipal area, approximately 35 km from Johannesburg, 17 km from Soweto, 7 km from Lenasia and 2 kilometres from the Lawley Station.

In the *Indian Opinion*, newspaper of June 18, 1910, Gandhi describes the farm as follows. "It is nearly 1,100 acres in extent or 508 morgen, being nearly two miles long and three quarter broad. It slopes down a hill from South to North and is, therefore, well protected from the South-East winds.

"There are nearly 1,000 fruit-bearing trees ... peaches, apricots, figs, almonds, walnuts, etc., and a small plantation of wattle [acacia] and eucalyptus trees. The ground is fertile. Water is supplied from two wells as also a spring.

"Beyond a shed and a dilapidated house containing four rooms and a kitchen, it contains no structure worth naming." (M. K. Gandhi, *Satyagraha in South Africa*)

In his book, *The Tolstoy Farm*, Surendra Bhana explains that Gandhi believed in self-reliance and independence as the means to developing discipline and self-esteem.

It was a philosophy that the satyagrahis fully accepted and they entered into the work at Tolstoy Farm with dedication and enthusiasm. They committed themselves to building and producing everything they needed.

“Kallenbach and his partner, Alexander Kennedy, worked on the plans and supervised the building work. Inhabitants slept in tents while the first building was being constructed. Mistri Narayandas Damania volunteered his services with no charge and brought with him several other carpenters.” (Surendra Bhana)

“Within six months of having started the settlement, the residents were able to complete largely by self-help three big buildings, two of them 53 feet long and the third 77 feet.

The women were accommodated in one building, the men in another and there were laundry and kitchen facilities in the buildings.

A third building was a combination of offices, workshop, and school.” (Surendra Bhana)

A house, a school and a workshop for carpentry and shoe-making were built. There may even have been a library.

Kallenbach was a great admirer of Count Leo Tolstoy. Tolstoy’s ideas on nonviolent resistance, expressed in his books such as *The Kingdom of God Is within You*, had inspired the development of satyagraha. So Kallenbach named the satyagraha training camp, Tolstoy Farm.

According to Gandhi, “The greatest thing, however, that Mr. Kallenbach has done is to live with the passive resisters their life, to share their sorrows, and joys when there are any, and to comfort and protect the wives and families of the imprisoned passive resisters.

“Mr. Kallenbach considers that all this is part of his own training and that it gives him an insight into human nature which nothing else could have given”. (*Indian Opinion*, 18 June 1910)

About seventy people lived at the farm. They included Christians, Muslims, Parsis and Hindus (Gujaratis, Tamils and Hindi-speakers). There were many visitors to the farm who provided classes or assisted in the work at the farm.

4. LIFE AT TOLSTOY FARM

Inspired by the belief in self-reliance and discipline, the satyagrahis living at Tolstoy Farm worked willingly to build a self-sufficient community. Everyone had a responsibility. Gandhi writes, ‘The lion-like Thambi Naidoo was in charge of sanitation and marketing for which he had to go to Johannesburg.’”

Veerammal and other women prepared the meals.

“There was a "tailoring department" responsible for producing clothes generally suitable for outdoor life: trousers and shirts made up of coarse blue cloth.

“As for footwear, Gandhi considered sandals ideal for the climate.” Kallenbach went to the Marianhill monastery near Pinetown to learn the skill of sandal-making. “Soon after Kallenbach's return, the workshop began producing sandals, most of which were worn by the farm residents, and a few sold to friends. Gandhi proudly wrote to his cousin Maganlal

Gandhi that he had completed 14 pairs of sandals by February 1911.” (Surendra Bhana)

Thayanayagie (Thambi Naidoo’s daughter) was about four years old when the family went to live at the farm. Her first memories were of the simple life they led there. Her four brothers, with other boys, had to fetch water from the springs about three quarters of a mile away. They carried the water in buckets hanging from poles slung over their shoulders. Thayanayagie, who sometimes went with them, sat on the rocks minding their clothes while they went swimming in the river.

Gandhi, using home remedies, took on the duties of ministering to the sick. When Thayanayagie got the measles, Gandhi wrapped her in a wet sheet covered with Condy’s Crystals.

Feeling miserable, cold and clammy, little Thayanayagie clung to her mother sobbing loudly, but Gandhi would not be denied. Carrying her outdoors in the cold sheet, he put her down on a bench in the sunshine. Lying there swaddled in the sheet absorbing the warmth of the sun, she was cured of the rash. Inspired by his example, she too, much later in her life, would use similar methods to cure sick people.

[For those who may not be aware, in 1930, Thayanayagie, Thambi’s daughter, married into the Pillay family of the Asiatic Bazaar in Marabastad. Her brother-in-law, Mr G Krishnan Pillay, was a political activist. As she was among like-minded people, she was able to continue her work as a satyagrahi. She is best known for her provision of meals to the Treason Trialists of the 1960’s. She was a highly respected resident of Laudium. Her grandson, Nava Pillay, is a Pretoria City Councillor.]

Because the satyagrahis at Tolstoy Farm had to keep costs down, they became vegetarians and cultivated a large vegetable garden. Orange, apricot and plum trees were abundant on the farm so the settlers had plenty of fruit.

Daily routine of residents at Tolstoy Farm (Rand Daily Mail)

The bell rang at six in the morning. ... After the toilets (washing and dressing) were completed and the beds made, the residents ate breakfast.

Then everyone went to work until 11 a.m. which was time for a bath. They bathed at 11 a.m. to make good use of the warm sun rays.

At 12 noon lunch was served.

At 1 p.m. Several classes of school began lasting until 5 in the afternoon.

At 5:30 p.m. they had their evening meal.

That was followed by an hour of rest.

At 7 p.m. the residents assembled before Gandhi who reviewed the day’s events, pointed out difficulties if any, and suggested ways of solving them. The meetings ended with readings from books on religion and the singing of hymns.

5. DEFIANCE OF WOMEN

(adapted from Gandhi’s *Satyagraha in South Africa*, Chapters 39 -50)

In 1913, two statutory events that outraged the community set off new satyagraha demonstrations:

The Immigrants Regulation Act, No 22 of 1913, put an end to Indian immigration and restricted Indian entry into other provinces. (There were no Indians in the Orange Free State which, in 1891, had expelled Indian residents and prohibited Indian entry altogether.)

A judgement by Justice Malcolm Searle in March 1913 in the Cape division of the Supreme Court rendered all marriages conducted according to Hindu, Muslim or Zoroastrian rites invalid.

Satyagrahis went into action. Since the Searle ruling was an insult to women, Gandhi for the first time allowed women to take part in the protests. Not only were women to participate, they were to take the lead. They were to defy the laws in order to be arrested.

Twelve women were chosen from Tolstoy farm: Mrs. Veerammal Naidoo (Thayanayagie's mother), Mrs N Pillay, Mrs K Murugasa, Mrs A. Perumal Naidoo, Mrs PK Naidoo, Mrs K Chinnaswami Pillay, Mrs NS Pillay, Mrs RA Mudalingum, Mrs Bhavani Dayal, Miss Minachi Pillay, Miss Baikum Murugasa Pillay and sixteen-year old Valliamma R. Munuswami Mudaliar.

Veerammal, who was pregnant at the time, took her tiny toddler, Seshammal, Thayanayagie's younger sister, with her. The women, some with babies and young children, went to Vereeniging where they hawked without licences in defiance of the law. But they were not arrested.

So Gandhi went to the Phoenix Settlement in Natal, where he organised a group, including four women, to march across the Natal border without permits.

The group, which was led by his wife, Mrs Kasturba Gandhi, consisted of Mrs Jayakunvar Manilal Doctor, Mrs Kashi Chhaganlal Gandhi, Mrs Santok Maganlal Gandhi, Parsi Rustomji Jivanji Ghorkhodu, Chhaganlal Khushalchand Gandhi, Ravjibhai Manibhai Patel, Maganbhai Haribhai Patel, Solomon Royeppen, Raju Govindu, Ramdas Mohandas Gandhi, Shivpujan Badari, V. Govindarajulu, Kuppuswami Moonlight Mudaliar, Gokuldas Hansraj, and Revashankar Ratansi Sodha.

They crossed the Natal-Transvaal border without permits. This was in defiance of the Immigrants Act which did not allow them to enter other provinces without permits.

They were arrested, and on 23 September, 1913, were tried and sentenced to three months imprisonment with hard labour.

Following their example, the women from Tolstoy Farm also crossed the border without permits, but again they were not arrested. Since they had geared themselves for this expedition, it was most frustrating not to have their brave defiance acknowledged. Clearly, more drastic action was needed.

Thambi Naidoo took them to the coalmines in Newcastle where they moved among Indian coalminers urging them to protest against the crippling £3 poll tax. When the miners came out on strike shortly afterwards, the women were at last arrested.

They were sentenced to three months in prison with hard labour. On 21 October 1913, they joined their comrades from Phoenix in the Pietermaritzburg Prison. Thalema's mother and her baby sister, Seshammal, were both in jail.

They were still in prison during the great march of satyagrahis from Natal across the Transvaal border that began in November 1913 and ended in December with the arrest of Gandhi and hundreds of others.

When Veerammal and the other women were eventually released in February 1914, they were weak and ailing. Harsh prison conditions had seriously undermined their health. Veerammal, however, despite being pregnant, had withstood the ordeal better than most. Twelve hours after her release, she gave birth to a son.

The sixteen-year old satyagrahi, Valliamma, who had been reduced to little more than a skeleton, was immediately confined to bed on her release. Gandhi, greatly moved by this young girl's dedication, went to her bedside to speak to her. He recorded his conversation with her in his book, *Satyagraha in South Africa*:

"Valliamma, you do not repent of your having gone to jail?"....

"Repent? I am even now ready to go to jail again if I am arrested," said Valliamma.

"But what if it results in your death?"

"I do not mind it. Who would not love to die for one's motherland?" was the reply.

Valliamma died on 22 February 1914, a week after her release.

6. THE GREAT MARCH

(adapted from Gandhi's book *Satyagraha in South Africa*, Chapters 39 – 50)

The Women from Tolstoy farm had crossed into Natal without permits. They were not arrested until their efforts brought the miners near Newcastle out on strike against the £3 poll tax. Then they were arrested, tried and sentenced. They joined the women from Phoenix in the Pietermaritzburg prison.

After the imprisonment of the women, the labourers from the mines near Newcastle downed their tools and entered the city. Gandhi then left Phoenix and went to Newcastle.

He found that the miners lived in houses provided by the mine-owners. When they went on strike their water and lights were cut off. Some had had their household goods thrown out.

Gandhi tells of one of the miners, Saiyad Ibrahim, a Pathan, who showed Gandhi the scars on his back.

"Look here, how severely they have thrashed me. I have let the rascals go for your sake, as such are your orders. I am a Pathan, and Pathans never take but give a beating."

"Well done, brother," I replied. "I look upon such conduct alone as pure bravery. We will win through people of your type."

Hundreds of miners had come out on strike. Gandhi asked them to leave their quarters at the mines and took them to Mr D. Lazarus, a middle-class Christian Tamilian, who owned a small plot of land and a house consisting of two or three rooms.

Mr Lazarus and his family had earlier accommodated the Transvaal women from Tolstoy Farm when they had come to Newcastle. Once an indentured labourer himself, Mr Lazarus also had to pay the onerous poll tax. He was very sympathetic to the cause of the miners.

They camped on his plot and his family provided meals for this huge crowd of men. The traders of Newcastle supplied cooking pots and bags of rice and dal. Other people made additional contributions.

Despite the generosity of the Lazarus family and the people of Newcastle, Gandhi realised that this was no solution to the problem. So he came up with a plan: a march of the miners across the Natal-Transvaal border in defiance of the Immigrants Regulation Act.

That would get them all arrested. If that did not happen, they would proceed to Tolstoy Farm. In this army of satyagrahis, there were over two thousand people, the miners with their wives and children and others.

Gandhi decided they would march on foot. The Transvaal border is 36 miles from Newcastle. Those who were disabled were sent by rail.

The march was to be accomplished in two days. Every one was glad to make the move. It would be a relief to the Lazarus family.

Early on the morning of October 28, 1913, before they set off, the rules to be observed on the march were read out. Then the Great March across the Transvaal border began.

They arrived safely in Charlestown where traders gave them the use of their houses. They were allowed to cook on the grounds of the mosque. Traders supplied cooking pots, rice and other ingredients.

The plan was to enter the Transvaal at Volksrust. If they were not arrested, they would march twenty to twenty-four miles a day for about eight days until they reached Tolstoy Farm.

Kallenbach had made all the necessary arrangements for their arrival at the farm. They would construct mud huts. The old and the infirm would be accommodated in small tents while the huts were being built.

At 6-30, on the morning of November 6, 1913, they offered prayers and marched out of Charlestown. There were 2,037 men, 127 women and 57 children.

There is a small spruit one mile from Charlestown, and as soon as one crosses it, one has entered the Transvaal at Volksrust.

Gandhi writes: "A small patrol of mounted policemen was on duty at the border gate. I went up to them, leaving instructions with the "army" to cross over when I signalled to them. But while I was still talking with the police, the pilgrims made a sudden rush and crossed the border."

The police surrounded them, but did not arrest them. The march proceeded until nightfall.

Then they made camp. During the night, Gandhi was arrested

“I roused P. K. Naidoo who was sleeping near me. I informed him about my arrest and asked him not to awaken the pilgrims before morning. At daybreak they must ... resume the march.” If they were not arrested, they had to continue the march to Tolstoy Farm.

Gandhi was taken to Volksrust the next morning where he appeared in court and was released on bail. Kallenbach, who was in Volksrust at the time, drove him back to the march and then returned to Volksrust.

The march continued. Gandhi was arrested again at Standerton and again released on bail. The march continued. But before they arrived at Greylingstad, Gandhi was arrested once more. This time he was not released but sent to Prison at Heidelberg.

The march continued under Polak’s leadership.

The marchers were met by Sheth Ahmad Muhammad Kachhalia and Sheth Amad Bhayat. They came to tell the marchers that arrangements had been made for the arrest of the marchers.

At about 9 o’clock on the morning of the 10th, the pilgrims reached Balfour where three special trains were drawn up at the station to take them back to Newcastle. The coalminers were put on trains, sent back to the mines, forced down shafts and severely flogged. Their compounds became prison camps.

7. TOLSTOY FARM – THE END

(adapted from Chapters 39 – 50 of Gandhi’s book, *Satyagraha in South Africa*)

Gandhi, Kallenbach and Polak who had been arrested and sent to prison were brought to trial. Gandhi appeared in the court in Dundee, and then Volksrust and was sentenced to a year’s imprisonment in Bloemfontein. Kallenbach went to Pretoria jail and Polak to Germiston.

While they were in prison, Indian labourers came out on strike, most notably on the north coast of Durban, in Phoenix and Verulam. One of the demands of these striking workers was that all satyagrahis who had been imprisoned be released.

Gandhi, Kallenbach and Polak were released from prison.

General Smuts and Gandhi began negotiations. Their discussions led eventually to the Indian Relief Act of 1914, which repealed the poll tax on free Indians in Natal, recognised Hindu and Muslim marriages and abolished the registration and finger-printing requirements of the "Black Act" of 1907.

But major issues such as restrictions on land ownership, trading rights, immigration and movement between provinces remained unresolved and resistance would continue for many decades to come.

In 1914, Gandhi left South Africa to begin his work in India. His legacy to South Africans was the strategy of non-violent non-cooperation (Satyagraha). Belief in that strategy sustained mass protests until the demise of apartheid.

The training of satyagrahis at Tolstoy Farm had ended. Only Hermann Kallenbach and a few Africans lived there for a while.

The land was transferred to a WH Humphreys in 1915. In the 1950s, Anglovaal bought the land and then sold it to its current owner Corobrik.

When the Gandhi Centenary Committee was formed, one of its aims was the restoration of Tolstoy Farm as a heritage site.

In the 1970's, Mrs Lilabehn Desai was a member of the Gandhi Centenary Committee. She was the daughter-in-law of Pragjibhai Desai. He had been part of Mahatma Gandhi's Satyagraha community and had lived and worked at Tolstoy Farm in 1910.

Mrs Desai was also a member of The Indian Arts and Culture Academy in Johannesburg. Through her work of promoting Indian music, she met Jeram Bhana of Marabastad Asiatic Bazaar. When Jeram returned from studying music in India in 1961, he had opened his own music academy where students could learn to play classical music on various Indian instruments.

Mrs Desai invited Jeram to offer classes in Johannesburg. She worked with Jeram and went on tour with his music academy.

Jeram, and his wife, Jaydevi, also formerly of the Marabastad Asiatic Bazaar, now longstanding residents of Laudium, are accomplished musicians and teachers of the music arts.

In about 1974, the Gandhi Centenary Committee was looking for custodians for Tolstoy Farm. Mrs Desai invited Jeram and Jaydevi to take up the positions and to provide music lessons at the farm.

This was a wonderful opportunity for the couple. Once the house on the farm was ready for occupation, Jeram and Jaydevi moved in.

Virtually alone in beautiful surroundings, they spent their mornings hiking in the hills, practicing yoga, singing and playing music. In the afternoons, they conducted music classes for students from Lenasia. When visitors arrived, they welcomed them and showed them around.

In these peaceful and beautiful surroundings, they were happier than they had ever been. Though they were close to Lenasia and Soweto, they felt completely cut off from the world and no hint of the chaos of the Soweto Uprising of 1976, filtered into their sanctuary.

But their blissful existence at the farm came to an end after three years. The Centenary Committee's inability to get things moving led to conflict between various groups. When Jeram and Jaydevi felt they were being dragged into a difficult situation, they quit and in 1978, left for India to further their studies in music.

By 1980, the remaining buildings, which had fallen into disrepair, had to be demolished. Today, there is only bare land surrounding the foundation of an original home on the site.

Gandhi's great-granddaughter Kirti Menon is currently the chairperson of the Gandhi Centenary Committee which has negotiated with the Johannesburg City Council and neighbouring businesses to fund a developmental project at Tolstoy farm.

In 2012, during the annual Gandhi Walk, there were calls to revive Tolstoy Farm. Several speakers at the 27-year-old annual Gandhi Walk hosted in Lenasia said that organisers should find a way to link the annual event to the nearby Tolstoy Farm.

Now the **Ahmed Kathrada** Foundation has become involved in the Tolstoy Farm legacy project. The Indian High Commission has pledged its support. The farm is located on the site of the Corobrik brick factory. The company has recognised Tolstoy Farm's historic importance and has granted permission for its usage as a heritage site.

Tolstoy Farm's legacy is the strategy of non-violent resistance. Even when more militant forms were adopted in the country, non-violent protest and resistance was never abandoned. It remains a means of struggle for the masses of people in South Africa and the world.

1914 - 1936 REPATRIATION AND SEGREGATION

1. THE PROBLEM OF LAND

After twenty-one years in South Africa, Gandhi returned to India in 1914. He took Thambi Naidoo's four sons with him to continue their education under his tutelage.

Thambi Naidoo, with the rest of his family, came back from Tolstoy Farm to central Johannesburg where they resumed their normal routines.

Thambi took up his business as a produce merchant once again. Veerammal resumed her roles as housewife and mother.

Thayanayagie and Seshammal went back to school. They attended the school for Coloured and Indian children in Market Street. As a result of moving about so much, they were the oldest children in their classes. Thayanayagie, who turned fourteen at the end of Std 3 (Grade 5), was considered too old to stay in school and did not continue. Seshammal stayed on until Std 7 (Grade 9).

The family soon became involved in the struggle for property and trading rights once more. Gandhi's negotiations with Smuts had led to the Indian Relief Act of 1914. But the Act gave no relief with regard to trading and property rights.

The Satyagraha movement had dealt with problems of registration certificates and the restriction of movement across provincial boundaries.

These oppressive measures sprang from the government's determination to stop Indian expansion and development by preventing Indians from acquiring land.

And the new Union Government was determined to restrict and confine all Black people. The four provinces, the Cape, Transvaal, Orange Free State and Natal had united to become the Union of South Africa in 1910. The first Prime Minister was Louis Botha and the Minister of Defence was Jan Smuts. It was a government of white supremacy. And it had immediately begun on a program of colonialism.

Colonialism is institutionalized racism. Colonialists base their actions on the belief in their racial superiority. This belief entitles them to conquer and exploit.

In 1913, the Union government passed the Natives Land Act No 27 and appropriated 93% of South Africa's land. African people were confined to tiny reserves in 7.3% of the land. Thus their development was severely curtailed. [In 1936, land for the African majority was increased to 13%; this was no improvement.]

In 1913, the Union Government also passed the Immigrants' Regulations Act which placed restrictions on Indians. The aim was to confine and repress Indians as they had Africans.

Depriving people of land is the way to disempower them. It leads to what Marx called the proletarianization of people.

[Proletarianization means moving people from being employers, unemployed or self-employed, to being employed as wage labour by an employer. People are thus reduced to

dependency. It happened in the Industrial Revolution in Europe. And it was the main strategy of colonialism.]

After Gandhi left, land became the main focus of the Indian struggle in South Africa

Despite the many laws instituted from 1885 to confine and repress Indians, they had expanded their trade and ownership of land. They had bought into areas not specifically designated for them. That had happened partly because laws, under the colonies and republics, had not been strictly applied.

The 1909 Companies Act had allowed Indians to purchase land if they formed companies. They also had the right to appoint nominees (usually white), in whose names they bought land.

They had also acquired property through marriage to white or Malay women, who were allowed to own property.

Their growth and expansion through acquisition of property and trading enterprises, was resented by the white population.

[Such resentment is similar to what is seen today in the attacks against people of north Africa – Somalis, Nigerians etc who have settled in South Africa and set up small businesses in African townships.]

World War 1, 1914 – 1918, interrupted the sequence of events in South Africa.

But soon after the war, the Union Government resumed its programme of proletarianization..

According to the historian, TRH Davenport, Sir Abe Bailey formed the South Africans' League in 1919. The league's main aim was the expropriation of Indian property.

“In January 1919 the Krugersdorp local council successfully restrained a European owned company from letting its premises to an Indian. This action precipitated a crisis which led to the passing in July of the same year of the Transvaal Land and Trading Amendment Act of 1919. “(Essop Pahad, doctoral thesis)

The recommendations of Abe Bailey's league had also influenced the passing of *The Asiatic (Land and Trading) Amendment Act (Transvaal), 37/1919*. This Act, repealed The Companies Act so Indians could no longer buy land by forming companies. However, they were still able to acquire land through nominees. And they retained the right to trade on property outside designated Asiatic Bazaars. But new licences were stopped. A register was to be compiled of existing licences and businesses owned by Indians. (South African History Online)

“The TBIA [Transvaal British Indian Association which later became the Transvaal Indian Congress] vehemently protested against the legislation. It organised mass meetings and petitions and sent protest telegrams to the Viceroy of India, the British Prime Minister, Lord Sinha, Generals Smuts and Botha, Gandhi, H.S.L. Polak, Sir M.M Bhowanaggee and Lord Buxton, the Governor-General of South Africa. In an interview with the latter they requested him to refuse consent to the Act. Lord Buxton, though recognising the validity of the objections, declined to do so.” (Essop Pahad, doctoral thesis)

Nevertheless, the Union Government could not act with the same impunity against Indians as it had against African people. Through Gandhi, Indian people had established a connection with prominent leaders in India and with the Indian National Congress.

As South Africa and India were both under the control of the British, representatives from both countries attended Imperial Conferences in London. At these conferences South African Government representatives had to face the criticism of Indian representatives with regard to the treatment of Indians.

So the struggle continued. Thambi Naidoo and his daughters became involved in new protest action. Thambi, a leader in the new movement, organised meetings in Johannesburg. With his teenage daughters by his side, he addressed gatherings and took part in protest activities. He encouraged his daughters to speak out against oppression. Thayanayagie, who was a shy young girl, needed his help with her speeches. But Seshammal, a fiery young idealist, wrote her own speeches. She was a forceful and dynamic speaker.

Indians had been fighting restrictive laws on an individual and provincial basis. But after *The Asiatic Land and Trading Amendment Act of 1919* was passed, they too saw that there was strength in unity. [“Unity is Strength” was the motto of the Union Government] As Indians in South Africa were no longer dealing with separate provincial governments, they needed a national organisation to deal with a national government.

Gandhi had founded the Natal Indian Congress (NIC) in 1894 and the Transvaal British Indian Association (TBIA) in 1903. [In 1927, the TBIA became the Transvaal Indian Congress (TIC).] In the Cape, the Cape British Indian Council (CBIC) was the voice of Indian people.

[The use of the word British in the titles of the TBIA and CBIC reflects Gandhi’s understanding of Indians as citizens of the British Empire.]

In 1919, on the initiative of the Cape British Indian Council, the three organisations formed an informal association known as the South African Indian Congress.

It took the passing of *The Asiatic (Land and Trading) Amendment Act (Transvaal), 37/1919* and the re-introduction of the *Rural Dealers Licensing Ordinance*, (which the NIC had successfully petitioned against in the previous year), before the three organisations finally formalised the South African Indian Congress in 1923.

Omar Hajee Amod Jhaveri was elected its first President.

“O.H.A. Jhaveri delivered the presidential address, which was once again couched in moderate terms, appealing to the good sense of the Europeans to do justice to the Indians. However, the speech also included a blistering, attack on segregation but excluded an analysis of the various options open to the SAIC in its struggle to resist the continuous assault of discriminatory legislation and virulent prejudice.” (Essop Pahad, doctoral thesis)

2. LEADERS FROM INDIA INTERVENE

The South African Indian Congress “was under conservative leadership for many years; the SAIC depended on petitions and deputations to the authorities and appeals for help to the Government of India, which was then under British control.” (South African History Online)

During Gandhi's time in South Africa, he had made appeals to the British Government and to leaders in India, especially to his mentor and political guru, Gopal Krishna Gokhale. Gokhale was a senior leader in the Indian National Congress and founder of the Servants of India Society. At Gandhi's invitation, he had visited South Africa in 1912. He had even spent a night at Tolstoy Farm.

The South African Indian Congress (SAIC) in its early years followed Gandhi's example. It appealed to the Union Government, to the British Government, The Indian National Congress (of India) and prominent leaders in India, notably Srinivasa Sastri, Tej Bahadur Sapru and Mrs Sarojini Naidu, to intercede with the South African Government. Unlike Gandhi, however, the SAIC did not engage in active resistance.

Following in Gokhale's footsteps, Indian leaders began visiting South Africa to assess the plight of Indians in the country. Dr Srinivasa Sastri in 1921 and Sir Tej Bahadur Sapru in 1923, demanded fair treatment for Indians.

Their demands led to clashes between South African Government Representatives and Indian Government Representatives at Imperial Conferences in London. (South Africa and India were both under British control.)

In 1924, Mrs Sarojini Naidu, the renowned singer, poetess and president of the National Congress of India, came on a visit to South Africa. Thambi Naidoo's daughters, Thayanayagie and Seshammal, in white saris and red rosettes, were hostesses at a meeting that she addressed.

Mrs Naidu's powerful oratory along with her insightful assessment of conditions in South Africa had a tremendous impact on the girls. This encounter with a formidable woman leader inspired Thayanayagie to assert her own power as an activist. Later, despite efforts to confine her to the role of traditional wife and mother, she would become a leader in the Marabastad Asiatic Bazaar and Laudium communities.

Mrs Naidu and other leaders from India appealed to the Union Government for fair treatment of the local Indians. According to T.R.H. Davenport, General Smuts saw the demands for better treatment of Indians, in terms of "the white man's position in society, and in the last resort of his continuing presence in Southern Africa."

Smuts regarded the granting of rights to Indians as the thin end of the wedge that would open the way to rights for the African majority. So anti-Indian legislation continued.

Things became worse when the South African Party (SAP) under General Smuts was defeated in the 1924 elections and the PACT government under JBM Hertzog came into power.

During its term of office, the SAP had pushed for segregation and separate development but Hertzog's government wanted Indians out of the country altogether.

In 1925, Dr. D. F. Malan, Minister of the Interior, introduced the *Areas Reservation and Immigration and Registration (Further Provision) Bill* in Parliament.

"Malan's 1925 Bill sought to restrict severely Indian trading and occupational rights and was designed to lessen the Indian population to an "irreducible minimum". (Essop Pahad, doctoral thesis)

The Bill defined Indians as aliens and recommended limitation of population through repatriation.(SAHO)

Towards the end of 1925, the Government of India sent the Paddison Deputation to discuss Malan's Bill and to investigate living conditions of Indians in South Africa. It succeeded in getting the South African Government to agree to a round table conference with representatives from the PACT government.

Though Indian leaders had wanted the South African Indian Congress to be represented at the conference; the PACT Government did not agree to that.

From 27 December 1926 to 11 January 1927, round table discussions were held between a deputation from India and the PACT Government. The round table discussions led to the Cape Town Agreement.

The Agreement set out a scheme of subsidised repatriation that reflected the PACT Government's wish to get rid of all Indians.

The terms of the Agreement also specified the appointment of an Indian Agent to mediate between Indian South Africans and the South African Government.

The Pact Government apparently did not wish to deal directly with local Indians.

These measures roused the anger of the young radicals in the South African Congress and led to divisions within the organisation.

As a result, the 1930's was a decade of struggle between radicals and conservatives in the Congress movement.

3. REPATRIATION AND COLONIZATION

[Compiled from the following sources: Essop Pahad, 1972, *The Development Of Indian Political Movements In South Africa, 1924-1946*, doctoral thesis University of Sussex, Dowlat Bughwandeem, 1991, *A People On Trial*, Durban: Madiba Publications and SAHO)

In 1927, the Cape Town Agreement was signed between the leaders from India and the PACT government. Under the agreement, Indian Agents-General were to be appointed to mediate between the government and Indian South Africans and to oversee a repatriation process.

Between 1927 and 1948, there were seven Indian Agent-Generals. The Rt. Hon. V. S. Srinivasa Sastri, 1927 - 1929, was the first. He was followed by , Sir Kurma Reddi, 1929 - 1932, Sir Kunwar Maharaj Singh,, 1932 -1935, Sir Syed Raza Ali 1935 – 1938, Sir Benegal Rama Rau, 1938 – 1941, Sir Shafa'at Ahmad Khan, 1941 – 1944, and the last Agent-General, Ramrao Madhaurao Deshmukh, 1945 -1946. [Essop Pahad, *The Development Of Indian Political Movements In South Africa, 1924-1946*]

The Agents-General were all eminent, erudite leaders from India.

Indian South Africans in general revered them all and were very proud to welcome them.

But young radical political activists regarded them as ‘accommodationists’ for their acceptance of the PACT government’s repatriation scheme. The PACT government was intent on reducing or getting rid of the Indian community.

The majority of Indians, however, were not interested in repatriation so the presence of Agents-General made little difference in this regard.

A second round table conference was held from 12 January - 4 February 1932. At this conference, the Colonisation Committee was created to take up the matter of repatriation and colonization. It was called the Colonisation Committee because it considered sending Indians to British colonies such as British North Borneo, British New Guinea, and British Guiana.

According to P. S. Joshi,¹ “An emergency conference of the South African Congress was held in Johannesburg in August 1933, to decide whether the Indian community should co-operate or non-co-operate with the Union Government in the investigation on Indian colonization. This matter mainly affected Natal, but it appeared that the Natal leaders had come with the fixed idea of cooperating with the Government, and that the Cape delegates would also stand behind Natal.” (60)

The NIC and the SAIC did agree to serve on the Colonisation Committee. S.R. Naidoo of the NIC was elected as the SAIC representative.

But there was opposition to participation in the Colonisation Committee. It was condemned by people like Thambi Naidoo of the TIC and Advocate Albert Christopher, P. R. Pather and Manilal Gandhi of the NIC.

Thambi Naidoo would probably have led the opposition to the Colonisation Committee in the Transvaal but he was suffering from a long-term illness. He died in 1933.

In Durban, the decision to co-operate with the government, led to a split in the NIC.

Advocate Albert Christopher, P. R. Pather, Manilal Gandhi and others who opposed participation in the Colonisation Committee, withdrew from the NIC.

In August 1933, in protest, they formed a new organisation – the Colonial Born Settler Indian Association (CBSIA).

Adv. Christopher was elected President of the CBSIA, Manilal Gandhi, Vice-President; S.L. Singh and A. Haffjee secretaries; K.K. Pillay and P.G. Naicker (father of Dr. G.M. Naicker) treasurers.

The CBSIA was totally against co-operation as this meant acceptance of segregation. Segregation did not simply mean acceptance of inferior status. It also meant acceptance of inferior facilities. It meant poorly serviced overcrowded settlements in unfavourable environments with little infrastructure development.

But the NIC was willing to negotiate with the government and the DCC in order to protect the property and trading rights that had been gained by the wealthier Indians.

The CBSIA claimed to represent the poor and won *wide support in the community*.

So there was conflict between the CBSIA and the NIC. The CBSIA disrupted mass meetings of the NIC in Durban and Pietermaritzburg. That forced the Congress to give up mass

¹ P.S. Joshi, 1951, *Struggle for Equality*, Bombay: Hind Kitabs Ltd.

meetings for a while. The CBSIA went on with its mass meetings and the formation of branches in various parts of Natal.

S. R. Naidoo who represented the SAIC on the Young Commission (The Colonisation Committee), came under attack from the CBSIA. In a letter to V.S.S. Sastri, the first Agent-General of the Indian Government, Naidoo wrote:

"Since my appointment. Christopher, Manilal and P.R. Pather gathered forces of colonial born Indians, openly preached sedition against the Congress, and have told the community that the Congress was out to sell their birth right." (Essop Pahad, doctoral thesis)

Indian Agents-General, first Sir Kunwar Maharaj Singh and then Sir Syed Raza Ali, tried to reconcile the NIC and the CBSIA.. But in 1936, when Sir Syed Raza Ali, the Indian Agent-General from 1935 to 1938, married a Tamil Hindu, Miss Poonu Samy, the marriage created another division in the NIC.

“Following the marriage, V.S.C. Pather (President), S.R. Naidoo (joint hon-secretary), J.W. Godfrey (vice-president) and B.M. Patel (treasurer) resigned from their official positions on the SAIC. The joint secretary, treasurer, four vice presidents and fourteen committee members of the NIC subsequently joined them. The officials, all Hindus, resigned” (Essop Pahad, doctoral thesis)

Abdulla Ismail Kajee stepped into the breach and took over the leadership of the NIC. Following the policy of the NIC, he entered into negotiations with W.T. Walker of the Natal Municipal Association and Jan Hofmeyer, Minister of the Interior in the Union Government. Kajee gave the assurance that the NIC would stop Indians from further acquisition of land in European areas.

So the conflict between the CBSIA, the anti-segregationists, and the NIC, the accommodationists, continued. But it seems that they were fighting each other more than they were fighting for justice. New leadership was needed.

“By 1936, some of the factors, which were to contribute to the emergence and rise of the radicals, had surfaced. These were the continuous legislative restrictions imposed on the trading and residential rights of the Indians in the Transvaal [and in Natal and the Cape]; the gradual involvement and participation of the masses in the political organisations; and the economic expansion of South Africa, which was to absorb a greater number of Indians into the semi-skilled and unskilled industrial occupations.” (Essop Pahad, doctoral thesis)

1936--1940 MODERATES VS RADICALS

1. DR YUSUF DADOO

Yusuf Dadoo had been politically active from a very early age. According to Essop Pahad: “Whilst a schoolboy Yusuf Dadoo used to attend meetings held by former stalwarts of Gandhi and with some of his contemporaries such as Molvi A. I. Cachalia used to help mobilise support for the All-Indian National Congress in its struggle against British colonialism. At Aligarh, in India, where he completed his matriculation, his hatred for and opposition to British imperialism intensified.” Jawaharlal Nehru was his hero. (SAHO: Essop Pahad, *Yusuf Dadoo*)

When he decided on a medical career, he went to study in Britain. He arrived in London in 1929, joined the India League, engaged in protest activity and within six months of his arrival, was arrested. To try to curb his political militancy, his father sent him to study at Edinburgh University

But Edinburgh, was where he found a context for his political activism. He became aware of the writings of Karl Marx. Studying Marx, he gained a global understanding of the human condition. So his focus shifted from a purely Indian to a universal perspective. He envisioned the struggle in South Africa as the struggle of all oppressed people, without regard to colour, race or religion.

Dr Yusuf Dadoo returned to South Africa in 1936. He came back when the congresses were being led by moderates; people who protested and tried to negotiate with government and city councils but did not actively oppose discriminatory laws.

The Asiatic (Land and Trading) Amendment Act (Transvaal), 37/1919 was continuously being amended to impose more and more restrictions on Indian ability to own land and to trade. It was replaced by the *Transvaal Asiatic Land Tenure Act of 1932*, amended in 1934, 35, 36, 37, and replaced by the *Asiatics (Transvaal Land and Trading) Acts* of 1939 and 1941, the *Trading and Occupation Land Bill (Pegging Act)* 1943, and the *Asiatic Land Tenure and Indian Representation Act (Ghetto Act)* of 1946.

Dadoo joined the TIC. But he was seeking affiliation with all revolutionary movements. So his activities reached beyond the TIC and the Indian community. He was a founder member of the Non-European United Front (NEUF) established in 1938. And he joined the Communist Party of South Africa (SACP) in 1939.

In the NEUF, he worked closely with J. B. Marks and in the SACP with Moses Kotane. These organisations believed that African, Coloured and Indian people should work together in their striving for human rights. Then “The Union Government passed the *Transvaal Asiatic Land and Trading Act, 1939*, which shocked and stirred the Transvaal Indian community.” (Joshi, 87)

Dr Dadoo formed the Nationalist Bloc in the TIC to oppose the act. The Nationalist Bloc espoused the non-racial ideals of the NEUF and the Communist Party and was ready to take action against the government..

The Nationalist Bloc decided on a satyagraha campaign, to protest against the severe land and trade restrictions embodied in the act. They would launch the campaign in August. This alarmed the moderates in the TIC. They were a conservative group composed mainly of wealthy merchants. They feared the consequences of radical action and opposed satyagraha. So the late 1930's and early forties was a period of internal struggle in the congresses between conservatives and radicals.

At that time, Nana Sita was Chairman of the Pretoria Branch of the TIC. He was fully aware of the division in the organisation. Older members led by SM Nana were in favour of negotiating with the government to bring about change. The young radicals, led by Dr Yusuf Dadoo, had no faith in the Smuts and Hertzog governments that had passed law after law to strangle Indian enterprise.

Nana Sita, a dedicated follower of Mahatma Gandhi, believed in keeping communications open. So he supported SM Nana.

Differences between the conservatives and radicals led to an unfortunate incident. P. S Joshi in his book *The Tyranny of Colour* gives an account of it.

“The 4th June, 1939, will ever be remembered as a black day in the history of Indians in South Africa. This was the day when the Transvaal Indians were to decide, at a mass meeting at Osrin's Bioscope Hall, Johannesburg, either for or against Satyagraha. The rumour was afloat that there would be bloodshed at the meeting, which was advertised to start at two p.m. The hall was full a couple of hours earlier. Some volunteers of the Nationalist group, who were affixing banners to the hall, were suddenly attacked. Bottles, heavy clubs, bicycle chains, knuckle-dusters and knives were freely used. One Indian was disembowelled by a knife thrust, four others were seriously injured; and five were treated for minor wounds. All the injured were of the Nationalist group.” (1946: 255-6)

Nana Sita was at this meeting. His daughter, Maniben was busy with chores in the kitchen of their home in Hercules, Pretoria, when her father returned from the meeting. Nana Sita dropped into a chair next to her mother, Pemiben. Being extremely agitated, he wasn't even aware that Maniben, quietly going about her tasks, was listening as he told her mother about the violence at the meeting.

It had shocked him to the core. He had not taken seriously the rumours that there would be bloodshed as that was not the way Indians behaved. But he had been proven wrong. He had seen for himself the attempt on Dr Dadoo's life. Someone behind the young doctor had suddenly raised a knife and would have plunged it into the doctor's back, had not a woman nearby pushed aside the assassin's arm and deflected the blow. It struck Dayabhai Govindjee, the man next to Dadoo. Govindjee was fatally wounded.

When Nana Sita realised that all the violence against the young Nationalist Bloc had been instigated by SM Nana's group, the group to which he belonged, he withdrew his support of SM Nana and joined the young radicals.

The attack on Dr Dadoo's Nationalist Bloc at Osrin's bioscope, had appalled many others besides Nana Sita. It swung their allegiance to the Nationalists.

Maniben, a tiny girl, not yet thirteen, was greatly moved by her father's distress. In the kitchen, on that day, she was awakened to the plight of the Indian community. She came to a crucial understanding of the purpose of her life. From that moment, she put away childish things and embarked on a course of education that would equip her for the fight against injustice.

On the advice of Mahatma Gandhi, the Nationalist Bloc postponed the satyagraha campaign. According to P.S Joshi, Gandhi agreed to negotiate with the Union Government. (*Struggle for Equality*, 87)

Dadoo then turned his attention to anti-war protest. According to Essop Pahad:

“In 1940 Dadoo was arrested for printing and distributing a leaflet published by the NEUF which said "Don't support this war, where the rich get richer and the poor get killed". When he appeared in court there were mass demonstrations outside and during an adjournment the people, Africans and Indians, carried him shoulder-high to his home - a distance of about 3 kilometres. Dadoo refused to pay his fine of £25, but was saved from imprisonment by a supporter who paid his fine because he could not bear to see "this wonderful person" going to prison.” (Essop Pahad, “Yusuf Dadoo: A Proud History of Struggle.”)

2. THE STRUGGLE FOR LAND IN DURBAN

“Unlike their fellows in the Transvaal, Indians in Natal enjoyed freedom of movement. There was nothing to prevent them from living where they liked and from purchasing property, either for investment or occupation. There were certain areas in the town which were looked upon as Indian areas, but these had grown up in a natural way and as a result of the tendency of people of the same race and culture to congregate together. There were no locations in Natal as there were in the Transvaal to which Indians were relegated.” (SAHO – G.H. Calpin, *A. I. Kajee*)

As the Indian population was increasing, Indians needed more land and it was only in white areas where property was readily available. “In the early thirties this movement outward from their own areas into the larger European areas was scarcely noticeable. It was a matter of a few individuals buying houses and occupying them on the fringes of the Indian areas. It affected Europeans living in near proximity” (SAHO – G.H. Calpin, *A. I. Kajee*)

Protesting white residents appealed to the Durban City Council (DCC) and the DCC began introducing legislation to control Indian expansion. That led to conflict between the DCC and the NIC.

People Like Adv. Albert Christopher, Manilal Gandhi and P.R. Pather refused to accept DCC proposals based on segregation which included the offer of land on the outskirts of the city and the creation of Indian townships.

However, there were the traders who wanted to protect their businesses. They felt threatened and were tempted to comply with government and City Council regulations. But that meant acceptance of segregation and inferior services.

A.I. KAJEE [From G.H. Calpin, *A. I. Kajee*, (SAHO)]

Abdulla Ismail Kajee was born in 1896. His father, a trader from Kathor, India, settled in Isipingo where he opened a store in a little corrugated iron structure. It was a general dealership that catered to Indians and Africans.

The family's living quarters were behind the shop. When other members of the family were able to manage the shop, he travelled into the interior and set up shops in various parts of the country.

It was his father's enterprising spirit and the experience he gained in the shop, that inspired A.I. Kajee to become a businessman.

After he left school, in those days Indians were only allowed up to Standard Four, he worked in the businesses of one or two relatives. Then he went to India to study at Aligarh College. He got into trouble there for his open support of India's independence from the British and he travelled about in the East before returning to Durban to set up a business. "He took a room at 175 Grey Street as the first step towards it, and started a business as a broker and agent." (SAHO – Calpin)

"The first agency Kajee obtained was the result of some semi-political interests and association with Mr. Karl Gundelfinger of the wholesale firm of that name. Mr. Gundelfinger was a prominent member of the Chamber of Commerce. ... Kajee's first agency, then, was sugar. ... To sugar he added rice, representing C. A. Bassa Ltd. and others. ... much later ... he obtained the agency for Nestle, to be followed by Five Roses Tea, Quality Products Soap, and Natal Oil Products. All these are quick sellers, and the early struggle gradually gave place to substantial financial relief." (SAHO – Calpin)

He became secretary of the Indian Merchant's Association and so broadened his business contacts, which included a few European businessmen.

"It is said that Kajee was first interested in politics as a result of the example of Mr. Gandhi, and it is true that Kajee must have known something of the Indian lawyer's exchanges with the authorities. One report has it that as a boy in his 'teens Kajee spent a short time at Phoenix, where Mr. Gandhi had established a settlement." (SAHO – Calpin) He was a teenager when Gandhi led the march across the Transvaal border in 1913, and must have been inspired by it.

In the NIC he met and befriended Sorabjee Rustomjee. This friendship was probably a contributing factor to his commitment to the political struggle.

SORABJEE RUSTOMJEE

"Sorabji Rustomjee, son of Parsee Rustomjee, was born in Durban on 25 December 1895. He went to India to study and soon after returning to South Africa, crossed the Natal-Transvaal border and was sentenced in January 1911 to six weeks in prison." (SAHO)

He wanted "to join his father in the first batch of Satyagrahis from Phoenix, Natal (now KwaZulu-Natal) in September 1913, but was not accepted. Following this, he went all over Natal distributing food to the workers who were on strike. He was arrested in November

1913, and charged with incitement and with promoting the strike. The charges were withdrawn later.” (SAHO)

Gandhi wrote in *Satyagraha in South Africa* about the bravery of Sorabji during the strike in Natal: “*Many labourers came out (on strike) in Verulam and would not return in spite of all the efforts of the authorities. General Lukin was present on the scene with his soldiers and was about to order his men to open fire. Brave Sorabji, son of the late Parsi Rustomji then hardly 18 years of age, had reached here from Durban. He seized the reins of the General’s horse and exclaimed, ‘You must not order firing. I undertake to induce my people peacefully to return to work.’ General Lukin was charmed with the young man’s courage and gave him time to try his method of love. Sorabji reasoned with the labourers who came round and returned to their work. Thus a number of murders were prevented by the presence of mind, valour and loving kindness of one young man.*” (SAHO)

Rustomjee was prominent in Indian politics after the end of Gandhi’s Satyagraha campaign in 1914. He was elected a member of the council of the South African Indian Congress at its inaugural session in 1923, and President of the Natal Indian Congress in 1928. (SAHO)

A.I. KAJEE

Kajee “entered the political arena at the time of Malan's Bill in 1925. ... He soon rose to prominence within the NIC, and was one of its main spokesmen at public meetings, and in deputations to the various authorities.” (SAHO) In 1926, he became joint secretary of the NIC.

In 1936, Kajee became the undisputed leader of the NIC following the resignation of Hindu executive members after Indian Agent-General, Sir Raza Ali's marriage to Miss Sammy.

Kajee “was a great believer in the policy of compromise.” (SAHO -- G.H. Calpin, *A. I. Kajee*) He believed in gradualism – change in small steps. He did not support militant confrontation. He had many European friends and probably believed that discussion and friendly persuasion would be more effective.

He began negotiations with J. H. Hofmeyer, Minister of the Interior, and in 1938 with W.T. Walker, the secretary of the Natal Municipal Association (NMA), and they reached an informal understanding.

The NMA “would bring to the notice of the NIC any attempt by an Indian to purchase property in European residential areas. The NIC would endeavour to dissuade the person from such a transaction. This understanding came to be regarded as the ‘Kajee Assurance’.” (Bughwandeen, 28) It was a tacit agreement not set down in writing. The NIC, consisting of moderates in 1938, fully supported the Kajee Assurance.

The NIA [the merger of the CBSIA and the NIC] which came into being in 1939 opposed the DCC’s attempts to segregate Indians. The NIA rejected the Kajee assurance which prevented Indians from buying Municipal land.

The Smuts Government had to intervene in the dispute between the DCC and the NIA. It appointed the Minister of the Interior, H. G. Lawrence to investigate. He suggested that an Indian sub-committee be appointed to negotiate with the House Committee of the DCC.

“This was the first time that Indians were being offered representation in solving a problem directly affecting them.” (Bughwandeem, 28). A joint committee of members from the DCC and representatives of the NIA was formed.

The Lawrence Committee also proposed a compromise. There would be no laws to enforce segregation but the NIA had to stop Indians from purchasing land in white areas. In other words, the Lawrence commission was offering the Indian community voluntary segregation. This was the Kajee Assurance all over again, only this time it was in a written document.

When NIA officials put forward the government proposals for confirmation at a mass meeting on 11 February 1940, they were opposed by the Nationalist Bloc that had emerged in the NIA to counter the proposals of the Lawrence Commission. The Nationalist Bloc consisted of Dr G.M. Naicker, Manilal Gandhi, C.I. Amra, M.I. Timol, G. Ponen, and H.A. Naidoo. They regarded the compromise as voluntary submission to segregation and were against participation in the Joint Committee.

“ Despite the strong opposition of the ‘Nationalist Bloc’ of the NIA, A. Christopher, J. W. Godfrey, A.S. Kajee, P.B. Singh, Sorabjee Rustomjee, P. R. Pather and A.M.M. Lockhart were selected as the NIA representatives on the Joint Committee at a committee meeting on 17 February 1940.”

“While the Nationalist Bloc” called participation a “self inflicted slur and stigma on the name of the Indian community,” (Bughwandeem, 29) Adv. Christopher and company wanted to take advantage of the fact that for once they had been given a voice. They believed that in face to face discussions with the DCC, they would make the City Council understand the serious nature of the problems in the community. The NIA, formerly the militant group, now became the collaborators.

3. P. R. PATHER

The history of the Indian struggle reflects the ambivalence between collaboration and resistance.

[It began in the 1920s with the formation of the South African Indian Congress and continued well into the 1980's. The United Democratic Front (UDF) formed in 1983 opposed the Tri-Cameral Parliamentary System. The UDF consisted of people demanding human rights. Those who accepted positions in the Tri-Cameral Parliament and on President's Council were those who were willing to collaborate with the apartheid government.]

In the 1930s and 1940s, there wasn't a clear cut division. There were those who swung between collaboration and opposition. This ambivalence is clearly illustrated in the activism of Poonoosamy Ruthnam Pather (P. R. Pather). He was a bold and brave activist in the early decades of the Natal Indian Congress.

P. R. Pather was born in Mauritius in 1895. His father came to Natal in 1891 and worked as a jeweller in Durban for a few years before returning to Mauritius. The family immigrated to South Africa in 1903.

Looking for better opportunities, they moved to Elandslaagte, Northern Natal, a coal mining centre. PR attended primary school there and later completed his secondary schooling in a private school in Pietermaritzburg. While still in his teens, he became secretary of the Aryan Young Men's Association, secretary of the Young Men's Vedic Society, and secretary of The Hindu-Tamil Institute.

He completed his matric in Durban. After matriculating, he worked in the law firm of Clark and Clark where he gained experience and a working knowledge of the law. This enabled him to open his own estate agency.

He joined the Natal Indian Congress (NIC) in the early 1920's. In 1924 he was elected to the position of joint secretary.

In 1924, JBM Hertzog's Pact Party came into power. It was bent on Indian repatriation. In 1926, the PACT government organised a round table conference with leaders from the Indian sub-continent. The conference produced the Cape Town Agreement which set out a program of repatriation of Indians and the appointment of Indian Agents to represent the local Indian community.

But Indian South Africans were not interested in repatriation. A second round table conference was held from 12 January - 4 February 1932. It established a Colonisation Enquiry Committee to look into repatriation and colonization. PR with Advocate Albert Christopher and others opposed the SAIC-NIC decision to collaborate with the government and serve on the Colonisation Enquiry Committee.

Christopher, PR, Manilal Gandhi and others withdrew from the NIC and formed the Colonial Born and Settler Indian Association (CBSIA). They criticised the SAIC and NIC leadership for protecting their own interests and betraying the community.

Indian Agents-General tried to unite the NIC and CBSIA. In 1939, Sir Benegal Rama Rau succeeded in bringing them together, but not in uniting them. A new organisation the Natal Indian Association (NIA) was formed. But it was an uneasy alliance. The NIC under A. I. Kajee maintained its separate identity so the NIA reflected the CBSIA position.

When Kajee had negotiated with the Natal Municipal Association and the Minister of the Interior, the CBSIA had condemned the NIC for accepting voluntary segregation. After the formation of the NIA, there was conflict between the NIA and the DCC. But when the government requested that the DCC negotiate with representatives of the Indian community, the NIA regarded this as a break-through.

The NIA leadership accepted positions on a Joint Committee with the DCC. That led to the formation of a Nationalist Bloc within the NIA. The Nationalist Bloc accused the NIA leadership of accepting voluntary segregation.

Former CBSIA/NIA members, A. Christopher, J. W. Godfrey, A.S. Kajee, P.B. Singh, Sorabjee Rustomjee, P. R. Pather and A.M.M. Lockhart now became the moderates. They had, all along, believed in negotiation rather than militant action.

The Nationalist Bloc led by people like Dr G.M. Naicker were now the radicals.

1940 – 1946

EVENTS LEADING UP TO THE PASSIVE RESISTANCE CAMPAIGN

[from **Pahad, Essop, 1972**, *The Development of Indian Political Movements in South Africa, 1924-1946*, Doctoral Thesis University of Sussex (SAHO)]

1. ANTI-WAR ACTIVISM

When World War II broke out in Europe, the Union Government, decided for war by thirteen votes - 80 to 67. Most Afrikaners were against entering the war and fighting for Britain. They were looking for a German victory.

Oswald "Pirow, an admirer of Hitler, who led the *New Order*, preached the essence of Hitler's National Socialism.

Dr F. J. Van Rensburg of the Ossewa Brandwag, a professional Nazi Kommandant, had his storm troopers blowing up railways, power lines, telephones and post offices.

Hertzog and Malan rejected Nazism, put their faith in the white man's parliament, but held divergent views on relations between Afrikaners and English."

The Second World War interrupted the Indian struggle for land. And the various political groupings were as divided about the war as the Afrikaners and English, but for different reasons.

The Non-European United Front (NEUF) led the anti-war activity in the black communities. "The NEUF national council included Mrs. Gool (president), Baloyi (senior president), M. Kotane (secretary), W.H. Andrews (treasurer), Dr. Dadoo and H.A. Naidoo.

From the beginning the radicals, communists and non-communists alike characterised the war as an "Imperialist war". They demanded complete equality in the armed forces and a firm declaration from the government that it would extend democratic rights and privileges hitherto enjoyed only by the white population."

These were demands that underpinned all protest movements.

"The Moderates, especially those in the NIA, thought differently. They extolled the virtues of assisting Britain, and linked their freedom, as well as India's with that of Britain."

This loyalty to Britain was part of the legacy of M. K Gandhi

"At a committee meeting of the NIA, the moderates proposed to offer the services of the Indians to the war effort and to have the offer confirmed at a mass meeting. Despite the opposition of the minority radical faction the proposal was carried."

"This move, coming as it did after the formation of the Lawrence Committee, led to the radicals forming the nationalist bloc of the NIA. It marked the departure point."

"At the mass meeting held on 9 June, Rama Rau [the Indian Agent-General], supported by P.R. Pather, J.W. Godfrey, S.R. Naidoo and S. Rustomjee, backed Adv. Albert Christopher's resolution, "to offer the services of the Indians" and the co-operation of the NIA to the government's war effort."

“The radicals moved an amendment, which asked for full equality in the armed services and for the extension of democratic rights before the Indians could offer their services. Responding to the challenge, the NIA officials expelled seven of the radicals from the committee on the grounds that it was unconstitutional to form a nationalist bloc.”

“From then onwards, the radicals acted in a collective and concerted manner, leading to the eventual take-over of the NIC.”

The Indian Agent-General, Rama Rau, in an interview with Smuts, the Chief of General Staff and the Secretary of Defence, suggested that an Indian Corps of three sections - mechanical and transport, medical and hygiene and ambulance – be raised.

“Recruiting for the Indian Service Corps (mechanical and transport section) began under Colonel Morris on 29 July. During August and September, Rama Rau wrote glowing reports about the response of the Indians and was highly derisory about the opposition of the radicals.”

“In a confidential report, Colonel Morris praised highly the efforts of the NIA, especially A. Christopher, P.R. Pather, S.R. Naidoo and S. Rustomjee, each of whom had spent ten hours daily in assisting the recruiting programme.”

Morris “gave the following examples of the contribution made by the NIA's war committee. They provided rent free the Durban recruiting office; contributed £100 to the Regimental Funds; presented the corps with five motor cars to assist in instructing drivers; supplied free hot meals to those attested and waiting for enrolment; provided blankets for all recruits proceeding to Johannesburg; organised a gifts and comforts committee; and offered to supply a musical band without charge.”

“Colonel Morris also quoted with satisfaction and approval an extract from a speech made by one of the NIA leaders, who said: *"The support you can give will be small as compared with the British Commonwealth and that of our mother country ... Our freedom is dependent on Britain being victorious ... Above all I ask you to re-main loyal to the King and General Smuts, his government and South Africa, your land of adoption. In remaining loyal to the Crown and this Government you are remaining loyal to India and yourselves"*.”

“The opinions and feelings of the NIA officials were contrary to the views expressed by Jawaharlal Nehru, who had already declared that the Indian people would not fight to defend imperial rule.”

As Indians took their cue from the NEUF and Dr Dadoo not the NIA, the recruitment drive failed

“Dadoo, now a member of the SACP, was arrested for printing and distributing an anti-war leaflet published by the NEUF. The leaflet pointed out that the non-European enjoyed not freedom and justice, but the Pass and Poll tax laws, segregation, poverty, unemployment and "vicious colour-bar laws" and, concluded: *"We answered the call in 1914-1918. What was our reward? Misery, starvation and unemployment. Don't support this war, where the rich get richer and the poor get killed"*.

“When Dadoo appeared in the Johannesburg Magistrate's Court on 27 August, the courtroom was packed with Indian, African and European spectators, and about 1,000 waited outside the

court buildings. The case adjourned at 1 pm and Dadoo was carried shoulder high in a spontaneous demonstration to his home - a distance of about two miles.”

“Dadoo was found guilty of contravening the Emergency regulations and sentenced to one-month imprisonment or a fine of twenty-five pounds. Instead of pleading in mitigation, Dadoo read a statement to the court, which reflected accurately the views and attitudes of the anti-warites.”

“After denouncing the oppression suffered by the non-Europeans, especially by the African population, and cataloguing the various disabilities, the statement concluded:

"The present war is an imperialist war and therefore an unjust war... to maintain and extend imperialist domination. This war could only be transferred into a just war ... when full and unfettered democratic rights are extended to the non-European peoples of this country and when the oppressed peoples of India and the coloured and semi-coloured countries are granted their freedom and independence".

“A great deal of publicity was given to the trial and the two nationalist blocs organised meetings to protest against it. The trial had the effect of increasing the enthusiasm and determination of the radicals to pursue their policies in spite of any reprisal action from the authorities.” “In January 1943 Dadoo was once again arrested for allegedly inciting the public of the Benoni location (mainly African) to oppose the government.

“This time he was sentenced to four months imprisonment or a fine of forty pounds and he elected to go to gaol. Once again the court proceedings were turned into a political demonstration.”

“The trial had a stimulating effect on the non-Europeans, especially the Indians in Johannesburg, Durban and Cape Town. In all three cities protest meetings were held to express solidarity with Dadoo and support for the NEUF and the nationalist blocs.”

“In Durban, the Guardian reported that there was hardly a street, which did not display a slogan demanding Dadoo's release, and that it was the "chief topic" of discussion amongst the non-Europeans. That Dadoo's activities and arrests had had a marked effect is also emphasised by Roux and by the reports of the High Commissioner for India.”

When, “in June 1941, Nazi Germany invaded the Soviet Union” the SACP changed its attitude to the war. It now supported the war, as “the War had changed from an "imperialist war" into a "people's war" ... the Nazis had to be defeated.”

“Alan Brooks felt that the changed policy proved beneficial to the SACP, for it made it easier for them to link support for the war with the demand for the equal treatment and arming of the non-European soldiers, and consequently raised "the 'broader issue of democratic rights for non-whites which became more insistently a major theme in party propaganda".

“Gradually the radicals began to win the support of the non-Europeans, especially the Indians, for their policies. ... In Durban, a pageant and rally, predominantly supported by the Indians, was organised by the local branch of the Friends of the Soviet Union Committee to express moral and material support for the Soviet Union. Indian women factory workers made the costumes, and trade unions with a large Indian membership and leadership were prominent.”

“It can, therefore, be seen how the war issue contributed to the radicalisation of the activists and through them the Indian political movements.”

The radicals worked closely with trade unions and workers and promoted political co-operation and unity amongst all black people.

2. THE CONTINUING STRUGGLE FOR LAND

In the Transvaal, though the radicals were involved in the war issue, they still continued their activism against legislation that prevented Indians from acquiring more land.

The war had not stopped the Union government from continuing to pass legislation to restrict Indian rights to property and trade.

The Transvaal Asiatic Land Tenure Act of 1932, amended in 1934, 35, 36, 37, was replaced by the *Asiatics (Transvaal Land and Trading) Acts* of 1939 and 1941.

In 1940, the Indian Penetration Commission (the first Broome Commission) was set up to inquire into the alleged Indian penetration into European areas in Natal and the Transvaal since 1 January, 1927. The radicals in the Transvaal held a mass meeting to protest against the setting up of the Broome Commission.

When the Asiatic Land and Trading (Transvaal) Act became law in April 1941, the radicals called a mass meeting for the 27th of April. About 1,000 people, attended. The radicals were ready to engage in militant action. They called for passive resistance. The term “passive resistance” is a misnomer. The radicals were calling for militant action in the form of non-violent resistance [Gandhi’s Satyagraha].

“Wealthier Indians and landlords, who benefited under the law, were reluctant to support or participate in any militant action.” But the meeting supported the radicals and condemned:

1) further attempts to segregate Indians, 2) TIC officials [moderates like S.M. Nana] who held on to their positions unconstitutionally, 3) Dadoo’s arrests, 4) the arrest by the British of Subhash Chandra Bose and other leaders in India.

“The nationalist bloc had become very militant, not only in relation to the struggle in South Africa, but also to that of India.”

“In 1941, the nationalist bloc of the TIC launched a limited form of passive resistance.” It was limited because it was individual, not collective, resistance. According to Joshi, “War regulations disallowed the holding of mass demonstrations.” (*The Struggle for Equality*, 89)

“On Monday, 12 May, four resisters, M.E. Nagdee, S.B. Medh, Naranswamy Naidoo, and Yusuf S. Patel, initiated the campaign. They set up fruit stalls outside the Johannesburg Magistrates Court and the City Hall, without licences, shouted slogans, put up placards and distributed propaganda material explaining their actions.”

“... the Government neither arrested the law breakers nor gave any opportunity for the progress of the campaign.” (*The Struggle for Equality*, 89)

Even though it was not really effective, “they sustained the campaign for nine months and finally called it off in March, 1942.”

MODERATES AND RADICALS BATTLE FOR LEADERSHIP OF THE TIC

“During this period, the moderates retained control of the TIC and had not called a general meeting for five years.

The nationalist bloc put pressure on them and they were forced to call “a mass election meeting for 24 January 1943 - the first such meeting since 1938.”

The radicals wanted: 1) democratic changes in the TIC; 2) a militant struggle against segregation and discriminatory legislation, 3) closer co-operation with the other non-white political organisations.

According to Pahad the moderates had ignored the small Indian working class, composed mainly of Tamil-speaking Indians. The nationalist bloc aimed to bring them in.

“The moderates disputed the view that they acted mainly in the interests of the Muslim traders, claimed that their strategy was still the best method, and wanted to keep the Indian question separate from that of the African and Coloured peoples.”

“An old wound was also opened by Rev. B.L.E. Sigamoney, the Tamil Benefit Society and the Tamil Progressive Group, who once again accused Nana of referring to the Tamils as "Kolchas" [Coolies] at a meeting in Johannesburg in 1934. Nana once again denied the allegation.”

Both the moderates and the Nationalist Bloc, entered into a vicious election campaign to try to secure control of the TIC.

“At a final election rally, Dadoo claimed that the Nana group had played on religious feeling and used threats of violence, financial inducement, and pressures in the form of rent reduction and the distribution of rice (a commodity in short supply), to win support. He also accused the opposition of registering the congress as a private limited liability company as an insurance against defeat. The Nana Group did not deny the last accusation.”

The election meeting on 24 January 1943 “took place in an electric atmosphere.”

“... the supporters of both sides were herded on to different sides of the Wemmer Sports Ground. After the constitution had been adopted (previously the TIC had no constitution), Nana and Dadoo agreed that their respective supporters should leave by different exits, thereby making it easier to count the votes.

“To the delight of the moderates they won the election by 3,797 to 3,315 votes.

A jubilant Nana told a celebration meeting the same evening that he and his officials would exercise their powers in the interests of the community for: *"Though I am a Muslim, I am an Indian first and last, and in all matters pertaining to the well being of our people I shall act as an Indian"*.

An equally jubilant A.I. Kajee called the radicals: *"reckless young men who felt that the exhibition of a red tie and the utterances of the principles of Marxism entitled them to abuse their own people who were merchants or who were blessed with the goods of this world"*.

“In analysing the defeat of the radicals, Dadoo said that the "power of money" had won the day, but that the "power of the masses" would win tomorrow. He attributed the defeat to the violence perpetrated on S.B. Medh, a veteran resister, and to the exploitation of religious beliefs that had brought the moderates the vote of 500 Muslim women. His optimism apparently not dimmed, he claimed that it was a "moral victory", since the Nana group could not ignore their substantial support, including that of the workers.”

“... up to the time of the elections, all the signs suggested that the nationalist bloc enjoyed a larger support. Their meetings were well attended and the passive resistance resolution of July 1939 was adopted by 6,000 people. Even the Agent-General, a supporter of the moderates, believed that Dadoo had "the majority of the Transvaal behind him".

But the nationalist bloc lost the election and the moderates remained in control of the TIC.

“One reason ... was that the spirit and determination of the people, as expressed in July 1939, had ebbed away by 1941. Dadoo also suggested [other] reasons ... such as the unexpectedly large Muslim women vote; the use of and threats of violence; and the exploitation of religious belief.

Pahad asks why the large majority of the Muslims voted for Nana.

“Dadoo, Molvi Cachalia, Salim Saley, **G.H.I. Pahad**, Yusuf S. Patel and A.I. Minty [were] well known Muslims in the nationalist bloc.”

According to Pahad, Muslims in South Africa were influenced by the division between Muslims and Hindus in India. And the nationalist bloc had paid special attention to organising the Hindu community at a time when Muslims were expressing their loyalty to Muhammed Ali Jinnah, proponent of a separate state for Muslims – Pakistan.

3. IN DURBAN

The Asiatic (Land and Trading) Amendment Act (Transvaal), 37/1919 which placed restrictions on Indian ability to purchase land freely and to trade, was superseded by *The Transvaal Asiatic Land Tenure Act of 1932*, which was amended in 1934, 35, 36, 37 to close unforeseen loopholes that still allowed Indians to purchase land.)

In 1939 and 1941, *The Asiatics (Transvaal Land and Trading) Act* continued restrictions on Indian efforts to acquire more land. Though the act did not apply to Natal, the ordinances of the Durban City Council attempted to restrict Natal Indians from free buying and selling of land.

In May 1940, the Lawrence Committee, comprised of members of the NIA and the DCC, began to deal with cases of Indians who had bought land in white areas. But NIA members, who opposed segregation, and DCC members, who proposed it, could not come to amicable agreements. The meetings of the committee became irregular.

As the Lawrence Committee, was not effective, The Indian Penetration (Broome) Commission, was set up in 1940. It had to report on the extent to which Indians in the Transvaal and Natal had acquired property in white areas since 1927.

On 7 October, 1940, the radicals held a mass meeting to protest against the setting up of the Broome Commission. The radicals called on Indians to boycott the Broome Commission.

The Broome Commission found that Indians had acquired 512 sites in European areas. Of these, Indians occupied 150. "The first Broome Commission found that the extremist claims of the Europeans of Natal, that so-called penetration had occurred, were not substantiated." (Pahad)

In 1942, it was proposed that the Lawrence Committee be reconstituted. The DCC did not ratify the changes and did not appoint members to the new committee. That brought the Lawrence Committee to an end.

The DCC continued its policy of segregation: expropriating Indian owned land and creating Indian townships on the outskirts of the city. Indian protest against segregation continued. White protest against "penetration" continued.

A second Broome Commission, a one-man commission consisting of Justice F.N Broome, set up in 1943, had to report on the extent to which Indians had bought into European areas since September 1940. Indians had acquired 326 sites, but only 54 were occupied by Indians. Nevertheless, this represented an increase in Indian penetration of European areas.

"The [second Broome Commission] report cleared the way for the government to introduce the Asiatic Trading and Occupation of Land (Natal and Transvaal) Bill, commonly known as the Pegging Bill, and when it became law, the Pegging Act." (Pahad)

[Pegging: preventing free buying and selling of land; Indians would be locked into land they already occupied. The Indian population was growing and their areas were over-crowded.]

H.G. Lawrence, The Minister of the Interior, "made a minatory statement in the Senate ... that the Government had every intention of intervening in a position that appeared to be getting out of hand, ... such legislation would ... 'peg' the position of land ownership and occupation to prevent the escalation of 'penetration' and would be retrospective from 22 March 1943." (Bagwandeem, 57)

"7 April, 1943 The Draft Bill for the Trading and Occupation of Land (Transvaal and Natal) ("Pegging Bill") is presented. This Bill places restrictions on trading and occupation of land by Asiatics in Transvaal and restrictions on acquisition and occupation of land in Natal. The following measures [to be] taken while [the] Bill is debated in Parliament.

"i) **The Interim Act, Asiatic (Transvaal Land and Trading) Act 28/1939**, amended in **Act 28/1941** and extended to 1943, renewed for further period of three years to 31 March 1946.

"ii) **In Durban** the position is to be pegged. No Indian is permitted to occupy or acquire property occupied or owned by a European before **22 March 1943**. Europeans prohibited from acquiring property owned by Indians. Provisions to continue until 31 March 1946." (SAHO)

According to P.S. Joshi, The Interim Act placed Natal "on the same footing as the Transvaal so far as "pegging" was concerned." (*Struggle for Equality*, 99)

On the same day, “Tuesday, 7 April, 1943, the NIC convened a mass meeting of Indians ... at the Avalon Theatre to protest against the proposed legislation.” (Bagwandeem, 87)

“... the radicals organised a mass meeting in Durban on 18 April, under the auspices of twenty-five Durban organisations, seventeen of which were trade unions. All the speakers vehemently condemned the Bill and the crowd of 5,000 adopted two resolutions. One "affirmed the Indians" intense opposition to the Bill and the other called for unity in order to organise "a militant mass struggle", and for the recall of the High Commissioner of India if the Bill became law. (Pahad)

The Asiatic Trading and Occupation of Land (Natal and Transvaal) Act (the Pegging Act) went to Senate on 22 April 1943

A mass protest meeting was ... organised by the NIA on 25 April, at which S. Rustomjee tore up a copy of the Atlantic Charter, because, he claimed, Smuts flouted it with impunity. (Pahad)

The Asiatic Trading and Occupation of Land (Natal and Transvaal) Act (the Pegging Act) became law in May 1943.

NATAL INDIANS UNITE

Conflicts between the NIA, the Nationalist Bloc, and the NIC had weakened the Indian struggle. Indian Agents-General had appealed to the NIA and NIC to unite ever since the breakaway in 1932 of the Colonial Born and Settler Indian Association (CBSIA) [which became the NIA in 1939].

It took the Pegging Act to finally unite the NIA and the NIC. In July 1943, “A.I. Kajee and P.R. Pather met informally ... to terminate the rift between the NIC and the NIA.” (Bagwandeem, 99)

“On 29 August [1943], the NIC was formally constituted at a mass meeting in Durban. A few of the radicals, such as George Singh, D.A. Seedat, George Ponnen, M.D. Naidoo, Billy Peters and Dr. G.M. Naicker, were elected onto the committee. For the first time since 1933, there was one body representing the Indians in Natal.” (Pahad)

4. P. R. PATHER AND THE PEGGING ACT

On 9 July 1943, P.R. Pather was the first person to be arrested and charged under the Pegging Act for having bought a white-owned property at 232 Moore Road, Durban.

PR had been a prominent member of the CBSIA and then the NIA and had served on the Joint Committee of the Lawrence Commission.

According to Riashnee Pather, “Mrs Pather had purchased the property from the Dutch Reformed Church on 17 December 1942. By 13 March 1943, PR had paid enough to have full responsibility for the property and a relative occupied a section of the house ... On 16

April 1943 the house was paid for in full and PR and his family moved in.” (Riashnee Pather, Master’s Thesis)

The Pegging Act became law in May 1943. When Mrs Pather bought the property in December 1942, it was by no means unlawful as there was no Pegging Act then.

On 29 October 1943, PR appeared before Mr. H. Barrett, the Chief Magistrate of Durban. Sentencing was postponed to November so as to allow PR to apply for a residential permit. His application was turned down and he was given until 7 February 1944 to vacate his premises in Moore Road. He refused to leave, was ordered to pay five pounds or spend seven days in prison.’

“PR refused to pay the fine and was prepared to go to prison. As PR was getting ready to be escorted to prison, the clerk informed him that someone had paid the fine. Who bailed PR out in 1944 remains unresolved up until today.” (SAHO)

After the fine had been paid PR still refused to vacate his home in Moore Road. He was arrested and ordered to pay a fine of twenty pounds or spend a month in prison. The sentence included a two months suspended sentence if he vacated the property by 30 June 1944.” (Riashnee Pather, Master’s Thesis)

Again he refused to pay; again someone anonymously paid for him. He regarded these payments as a betrayal. He was standing up on principle; payment undermined his position.

THE PRETORIA AGREEMENT

General Smuts, Prime Minister of South Africa was due to attend a Commonwealth Conference in London. ‘The Pegging Act ... **was** proving to be an acute embarrassment to him.” He was keen to avoid criticism especially from India at the Commonwealth Conference.

He invited deputations from the Natal Provincial Administration (NPA) and NIC to discuss the issue with him.

On Tuesday 18 April, (two days before his departure for London 1944, he and Senator Clarkson (Minister of the Interior), met the two deputations. The NIC deputation: A.I. Kajee, P.R. Pather, S.R. Naidoo, A.B. Moosa, T.N. Bhoola, Mohamed Ebrahim and S.H. Paruk, and the NPA deputation: Senator D.G. Shepstone, D.E. Mitchell and G. Heaton-Nicholls (Administrator of Natal), at his office in Pretoria. (Bagwandeem, 111)

According to Bagwandeem, The NIC deputation submitted a memorandum based on a memorandum previously submitted to the Prime Minister which distinguished between

- 1) ownership and occupation [of land] for trade, commercial and investment purposes,
- 2) ownership and occupation [of land] for residential purposes.

The memorandum also proposed that “machinery” be set up “to control and regulate future juxtapositional residential occupation of Europeans and Indians.” (112)

The NIC deputation agreed to:

- i) A Board composed of two Europeans, two Indians, with a European chairman ... which would have jurisdiction over all dwellings in Durban.
- ii) The issuing of licences by the Board to persons of a particular race group for the occupation of premises previously occupied by persons of another race group.

iii) The Pegging Act would be repealed once these measures were initiated.

This was the Pretoria Agreement.

“The Agreement was ... attacked from all directions and AI Kajeer in particular, as the leading promoter of the Agreement, was the main target of all the criticisms.” (Riashnee Pather, Master’s Thesis)

“According to I C Meer it [The Agreement] suggested that Indians would accept residential segregation as long as their trading areas were not affected. Meer adds that to Smuts this was a big concession since his friend, Lord Wavell, the Viceroy of India, was bringing an increasing amount of pressure to bear on him. (Pahad)

“Dadoo accused them [the NIC delegation to Smuts] of bartering away the right of the Indian people for "temporary gain in investment for an inconsiderable but wealthy class". He added that Smuts, who had previously poured "venomous scorn" on these leaders, now entertained them, because his government was criticised for the Pegging Act in India, Britain and the United States, and that, because of the [Pretoria] Agreement, Smuts was "able to show his face with equanimity in the Councils of the Empire and United Nations".” (Ibid)

“The first organisation to protest against the [Pretoria] Agreement was the Durban district branch of the SACP. It held a protest meeting in Durban on 25 April 1944 at which several speakers condemned the Agreement as a "shameful betrayal". In addition to the holding of protest meetings, the Durban branch also circulated a petition, which in a short time attracted thousands of signatures. On the numerous meetings held outside factory gates, the Guardian reported: *"Everywhere the workers have unanimously rejected the Board and expressed their determination to fight segregation in all its aspects, voluntary or otherwise, and to struggle for the franchise"*. (Ibid)

“At the same time, 14 members of the NIC Committee issued a statement denouncing the Agreement and called for a mass meeting to decide on the issue.” (Ibid)

“... the radicals marshalled their forces ... on 28 April [1944], they decided to form the Anti-Segregation Council (ASC) ... to oppose the [Pretoria] agreement; to achieve the repeal of the Pegging Act; and to obtain full franchise rights for the Indian people ... the ASC was to lead the fight against the Agreement and to dominate the Indian political arena in Natal.” (Ibid)

“Sixty-seven delegates, representing various trade unions literary, religious and educational bodies and some branches of the NIC, attended the first conference of the ASC in May [1944]” (Pahad) where the Pretoria Agreement was condemned.

“... on 14 May [1944] ... 10,000 crowded Red Square, Durban, at a rally organised by the communist party, and once again the Agreement was passionately rejected.”

“Both the ASC and the Durban district branch of the SACP articulated, in a forthright and aggressive manner, the opposition of a large segment of the Indian population.” (Pahad)

Reactions of the DCC and the Natal Provincial Council to the Pretoria Agreement

The Durban City Council (DCC) and the Natal Municipal Association and the European community in general also attacked the Pretoria Agreement.

“Whites protested vehemently against the abrogation of the “Pegging Act.” (Bagwandeem, 114)

“Europeans were not interested in a voluntary arrangement, but wanted statutory segregation.” (Pahad)

The Administrator of Natal, G. Heaton-Nicholls, immediately set to work on legislation – the Draft Occupation Control Ordinance – to counter the measures of the Pretoria Agreement. But there was a power conflict among white organisations, including the DCC, and the Ordinance was rejected. It was replaced.

“By November [1944], the Provincial Council passed three ordinances –

[1] The Residential Property Regulation Ordinance, No. 20/1944,

[2] The Natal Housing Board Ordinance No. 23/1944

[3] The Provincial and Local Authorities Expropriation Ordinance No. 26/1944.

These were simply measures for segregation.

On 28 November, a deeply disturbed NIC deputation saw Smuts, Clarkson and Douglas Mitchell, Administrator designate of Natal, in Pretoria

(Smuts had appointed the former Administrator of Natal, G. Heaton-Nicholls as High Commissioner for South Africa in London).

The NIC deputation presented two memoranda. One outlined their objections to the Ordinances. The NIC regarded the ordinances "as ... integral features of a larger plan of segregation". The second memorandum appealed to Smuts to salvage the [Pretoria] Agreement. (Bagwandeem, 128)

Smuts, however, was not forthcoming and ... declared that the Pretoria Agreement ... "stone dead". He only refused assent to [the first] Ordinance, No. 20/1944 as it was redundant as long as the Pegging Act was in force.” (Pahad)

And so he demonstrated to the moderates of the Indian community that attempts to negotiate a solution based on co-operation and voluntary segregation were futile.

PR Pather

“During the period of these negotiations over the Pretoria Agreement, PR Pather voluntarily vacated his home in Moore Road, in a move characterised by Dowlat Bagwandeem as an immense personal sacrifice in order to ensure a beneficial conclusion.” (Riashnee Pather)

“However when it soon became apparent that the Pretoria Agreement was doomed to failure, PR moved back into his home and on 2 November 1944 was arrested once again and on this occasion imprisoned.” ... “A mass meeting was held on 3 November 1944 to protest PR's arrest.” (Ibid)

“Mrs. Pather was evicted from her home in Moore Road while PR was in prison. This action also prompted much outrage and a subsequent mass protest meeting was held at the Avalon theatre in Durban. The Advocate JW Godfrey who presided over the meeting summed up the common sentiment of the occasion when he stated that, "We as Indians are not going to tolerate this action against us and even less against an Indian woman." (Ibid)

5. RADICALS IN CHARGE

The Anti-Segregation Council (ASC)

The Anti-Segregation Council (ASC) was formed on 28 April 1944 in opposition to the Pretoria Agreement and voluntary segregation. Its Provisional Committee comprised: Dr. G.M. Naicker (Chairman), A.K.M Docrat (secretary), M. Rajab (treasurer), George Singh, M.D. Naidoo, Dr. K. Goonam and Dr. S.R. Deenadayalu (committee members.)

The ASC's first conference in May 1944 condemned the Pretoria Agreement for its acceptance of voluntary segregation.

“The ASC had fired the imagination of the Indians in Natal and was fast becoming a considerable force.”

It decided to make a concerted effort to enrol the workers and farmers as members, thereby endeavouring to turn the NIC into an organisation "truly representative of Indian opinion."

“At its second conference, on 12 November 1944, it presented the following as its manifesto:

1. the vetoing of the Natal Ordinances;
2. the repeal of the Pegging Act;
3. full franchise on the common voters' roll;
4. free and compulsory education to Junior Certificate (J.C.) (equivalent to Form Three);
5. equitable distribution of fertile land;
6. state subsidies to market gardeners;
7. the removal of all colour-bar legislation
8. co-operation with all other non- European political organisations.”

“At this time, the ASC was a federal body consisting of twenty-eight organisations representing approximately 16,000 people. In its Natal campaigns it held meetings in various centres attended by crowds ranging from 50 to 8,000.”

“The ASC decided to contest every seat at the coming [NIC] elections, on 28 January 1945 and also, for the first time in the history of the Indian political movements, put forward a woman candidate, Dr. Goonam.”

The moderates [fearing the outcome] postponed the elections three times, first to 4 February 1945, then 4 March and 18 March.

“... during these postponements both sides contested the elections with vigour and determination.

The ASC held over 100 meetings in the Durban district alone. Those held outside factory gates were very successful. They enrolled 10, 000 new members into the NIC.

The Leader (Indian weekly newspaper) said that for the first time in the history of Indian politics in Natal, an election would be fought on party lines with clear-cut political and ideological differences. It characterised the contending groups as "left-wing" and "right-wing".

Both sides formed "Action Committees" in various centres and issued manifestoes. These and numerous public meetings, were the major form of communication with the people. The ASC also organised motor parades through the streets of Durban.

The moderates stated in their manifesto that they stood for:

1. "The fulfilment of the upliftment clause of the Cape Town Agreement.
2. Restoration of the franchise on the common roll.
3. Free compulsory education ... up to Standard VIII.
4. Equal pay for equal work.
5. Removal of colour-bar in industries
6. Removal of trading restrictions.
7. Co-operation with other sections of the non-European population on matters of common interest.
8. Repeal of the Pegging Act.
9. Opposition to any forms of segregation or separation".

This manifesto is not very different from that of the ASC. But it does not reflect the moderates' acceptance of a qualified franchise, voluntary segregation and reluctance to join hands with Africans and Coloureds.

Dadoo, the Transvaal radical, came to Durban to assist the ASC. He and a few other speakers addressed on average six meetings a day, at which he was the main speaker and attraction.

Dr. Dadoo, Dr. Naicker, C. Jadwat (from Cape Town) and D.A. Seedat also went on a speaking tour of Northern Natal, addressing meetings in Newcastle, Dundee, Danhauser, Glencoe and Pietermaritzburg. According to news reports in the Guardian and The Leader, the ASC speakers were enthusiastically received.

The moderates held few election meetings and seemed uneasy in the midst of the hustings (electioneering activities). As they kept postponing the annual general meeting, the radicals were forced to take them to court.

In August 1945, Doctors Naicker, B.T. Chetty and A.K.H. Docrat applied to the court for an injunction calling upon the other ninety-six committee members to hold the elections before 30 September. The moderates were ordered to call a meeting before 22 October.

Defeated at the public meetings, and now legally, the moderates resigned their positions at the committee meeting of the NIC on Sunday, 14 October, 1945. Fifty-four officials, including J.V. Godfrey, A.I. Kajee, P.R. Pather, C.M. Anglia, V. Lawrence, Ashwin Choudree, T.N. Bhoola, A.B. Moosa and Mohamed Ibrahim resigned.

On 21 October 1945, at a mass meeting of about 7,000, the radicals were voted into power, thereby changing the political complexion of the NIC.

In the Transvaal

The radicals were also forging ahead. By July 1944, a combination of three factors had paved the way for reconciliation:

1. the two-fold pressures of the Pegging Act and the radicals' insistent demands for militant action.
2. during the period 1943-1944, personal relations between the sides had considerably eased, and finally,

3. the death of S.M. Nana in May 1944 weakened the moderates. Nana was the principal spokesman of the moderates and without him they lacked a focal and rallying personality.

The TIC officials agreed to incorporate eighteen radicals on to the working committees and ratified the decision at a special general meeting held on 2 December 1944. It was victory for the nationalist bloc, since the TIC agreed that the Congress should

1. work in a "democratic manner" in the interests of all sections,
2. undertake a "vigorous campaign" for the repeal of the Pegging Act and for the franchise.
3. seek closer co-operation with the "national organisations of non-European peoples as well as all other progressive bodies, on common issues".

Following the reconciliation, the nationalist bloc, was dissolved.

OPPOSITION TO GOVERNMENT POLICY

Given the change in the attitudes and leadership of the NIC and the TIC, the prospects of a direct clash with the government was imminent

The government was determined to introduce further anti-Indian legislation.

“In February 1945, the TIC passed a resolution of non-co-operation with the government's plan to segregate Indians by setting aside areas in certain townships within which they could reside and have freehold property rights.”

“ On 9 November 1945, the NIC delegation submitted a memorandum to Smuts ... which ... unequivocally put forward the demands agreed to at the meeting of 21 October 1945. Smuts rejected the demands.”

“The NIC decided to launch a nation-wide campaign around the demands submitted to Smuts. But before it could be launched, Smuts announced on 21 January 1946 his intention of introducing new legislation to replace the Pegging Act, which was due to expire in March 1946. “

“In broad outline, Smuts indicated that the legislation would freeze all property transactions between Asiatics and other races, except in certain exempted areas, and that it would apply to the whole of Natal and the Transvaal, and be retrospective from 21 January. Also a form of communal franchise would be offered.”

“The announcement induced an immediate vociferous reaction from the Indians.”

“On Sunday, 3 February, the NIC held a successful mass protest meeting in Durban, at which the speakers emphasised the determination of the NIC to resist by any possible means the latest threat.

It passed a lengthy resolution which characterised the proposed bill as a 'Fascist measure', and instructed the NIC Committee:

- a. to plan mass resistance campaigns,

- b. send delegates to India, America and Europe, and to "explore the formation of a world organisation of colonial and oppressed peoples".
- c. oppose a communal franchise;
- d. call upon the national movements of the African and Coloured peoples to "intensify their struggle for democratic rights"
- e. urge the United Nations to summon South Africa to explain its case to the Security Council.

A well-supported Day of Prayer was also held on 20 February 1946, when most business establishments in the main towns of Natal closed for half the day. In Durban and Pietermaritzburg, workers "downed tools" for half the day despite the threats of losing their jobs, and at a mass meeting in Durban the audience adopted a resistance pledge to fight for the "winning of complete freedom".

6. THE GHETTO ACT

On 15 March, Smuts introduced the **Asiatic Land Tenure and Indian Representation Bill**, which was in two sections.

1. acquisition of land and occupation and transference of property in Natal and the Transvaal.
 - a) A special board entitled the Asiatic Land Tenure Board was to be set up to deal with this.
 - b) two kinds of areas were created: Controlled and Uncontrolled
 - c) Controlled Areas: no Asiatic could buy any property without the permission of the Board;
 - d) nor could he live in such areas unless he had resided there before January 1946. Controlled areas were reserved for European occupation and ownership.
 - e) Uncontrolled Areas: predominantly occupied by Asiatics – no restrictions
2. Communal franchise for Indian men.
 - a) voting qualifications: Union nationality; age twenty-one and over (males); standard VI education; income of at least £84 a year or ownership of immovable property valued at not less than £250, over and above any mortgage thereon. It made no reference to the municipal franchise.
 - b) Natal Indians could elect two Indians onto the Provincial Council.
 - c) for parliament, the Indian voters in Natal and the Transvaal could elect three Europeans to the lower House,
 - d) in the upper House, two European Senators would represent the Indians, one being elected and one nominated.
 - e) Three electoral zones were set up, two in Natal and one in the Transvaal. All the representatives of Indians would serve for five years and would not be affected by the dissolution of the legislative bodies for a general election.

Because of these provisions, the Bill was termed the "Ghetto Bill" and when it became law, the "Ghetto Act".

In a pamphlet, Indians defined a ghetto as a: *"special area in which a persecuted race is shut off by itself, segregated, denied the benefits of sharing in the life of the whole community and utterly degraded"*.

In the same pamphlet the unjust provisions of the law were exposed:

1. it showed that the Natal Indians were given twenty-two "small ghetto areas", whilst the Europeans had access to the rest of Natal, except for the African reserves.
2. in the old borough of Durban the Indians were given about 350 acres, a density of 700 to the acre, whilst the Europeans owned 2,940 acres plus a reserve of 1,121 acres of Municipal land, giving them a density of 16 to an acre.

“In many ways, this Act was similar to Hertzog's Native Representation Act of 1936, which removed the Cape Africans from the common voters' roll and gave them a communal franchise. At that time, the ANC had rejected the communal franchise, which, with the Native Trust and Land Act, constituted for the Africans "a crisis comparable to those of the constitution of the Union and of the Natives Land Act (1913)".

The ANC had rejected a communal franchise in 1936. There was little likelihood of the Indians accepting it in 1946, especially since radical ideas had permeated deep into the ranks of the Indian political movements.

“The radicals organised widespread campaigns in Natal and the Transvaal that culminated in the initiating of Passive Resistance on 13 June 1946, and the total dominance of the radicals in the NIC and the SAIC.”

1946 -7 THE PASSIVE RESISTANCE CAMPAIGN

1. THE ASIATIC LAND TENURE AND INDIAN REPRESENTATION ACT, [“THE GHETTO ACT”]

(Bagwandeem, 149 -153)

21 January 1946

“On 21 January 1946 (Smuts) announced in the House of Assembly that the Government proposed to promulgate legislation relating to land tenure prohibiting transactions of property between Asiatics and persons who were not Asiatics:

The Asiatic Land Tenure and Indian Representation Bill:

- 1) introduced a form of residential segregation;
- 2) communal franchise for Indians – i.e. Indians would be represented by two Indian men on the Provincial Council, by three Europeans in the lower house of Parliament and two Europeans in the upper house, one of whom would be nominated by the government. Indian women were not given the vote.

The communal franchise was to compensate for the loss of the right to purchase and occupy property without restrictions.

3 February 1946

The NIC convened a mass meeting for 3 February 1946. The meeting condemned the Bill. A delegation was to be sent to India to urge the Indian Government to negotiate with the Union Government

8 – 10 February

The SAIC conference in Cape Town decided on a delegation of sixty representatives to meet with Smuts ... to dissuade him from introducing the Bill... and to convene a round table conference.” The meetings and consultations with Smuts were unsuccessful.

A deputation would be sent to India to urge the Indian government to convene a round table conference. If this did not succeed, the government of India was requested to recall the High Commissioner [formerly the Agent-General]

Deputations would be sent to America, Britain and other parts of the world.

The Indian Community was prepared to embark on a concerted, prolonged resistance.

The Indian Community had the right to be heard at the UNO.

20 February 1946

This was observed as a hartal day – a day of prayer; all businesses and offices were urged to close between one o’clock and five o’clock

15 March 1946

Smuts introduced the Asiatic Land Tenure and Indian Representation Bill in the House of Assembly

17 March 1946

“... in the Transvaal the radicals flexed their muscles. Dadoo, assisted by two university students (J.N. Singh and I.C. Meer), undertook a vigorous tour of the Transvaal to whip up support for the resistance struggle. Within a fortnight they held fifteen meetings in areas as widely dispersed as Krugersdorp, Alexandria, Pretoria, Heidelberg, Middleburg and Standerton. Reporting on this, The Leader said that, throughout the speaking tour, Dadoo and the others were "heartily and enthusiastically received". This tour culminated in a huge mass meeting in Johannesburg, held on 17 March. 5 000 men, women and children came from all

corners of the Transvaal to voice their opposition to the Bill. It was a major success for the radicals, and reverberated with slogans such as "Down with the Ghetto Bill", "Down with Smuts", "Long Live Resistance" and "Down with Compromise". (Pahad, Chapter IV Section 7)

24 March 1946

"... in Cape Town ... the SAIC executive decided to instruct the NIC and the TIC "to proceed immediately to plan and prepare the details of a concerted and prolonged resistance."

25 March 1946

Second reading of the Bill.

Indian Government terminated trade agreement with Union Government.

30 March 1946

"On Saturday 30 March 1946 "the NIC [at a special provincial conference] announced its decision to launch a **Passive Resistance Campaign**; it established the Passive Resistance Council.

The **Transvaal Indian Congress (TIC)** under the new leadership of Dr. Dadoo expressed ... willingness to participate in the campaign ... a volunteer corps was formed and the NIC executive was empowered to appoint a Passive Resistance Council, consisting of twenty-five members.

"The Cape Indian Congress ... still under the sway of the Kajee-Pather leadership of the SAIC decided not to participate." (Pahad, Chap 4 Section 7)

Dadoo opened the conference, setting the tone with a slashing attack on the Bill and a militant call to action. Dr. Naicker, the president, made an equally bitter and resolute speech. After the speeches, conference adopted a "manifesto of resistance". In this manifesto they appealed to South African Indians, Indians in India, and all "democratic peoples" in South Africa and abroad to oppose the Bill. The manifesto was a call to action for South African Indians: (Pahad, Chap. 4 Section 7)

31 March 1946

Sunday, 31 March 1946, the NIC organised a mass procession ... 6,000 demonstrators marched through the streets of Durban, shouting, "to Hell with the Ghetto Bill!"

2 April 1946

Bill passed the second reading

21 April 1946

At a mass meeting in Johannesburg the TIC set up a Passive Resistance Council
Shortly thereafter a Joint Council [NIC-TIC] was set up" to take charge of the campaign.

29 April 1946

Bill to Senate for third reading.

30 April 1946

M.D. Barmania read a petition of Ahmed Ismail, President of the SAIC.

2 May 1946,

Bill passed third reading. Indian Government informed Union Government that the High Commissioner was to be recalled.

3 June 1946, the Governor-General gave assent to the Bill.

The Bill became law: the Asiatic Land Tenure and Indian Representation Act, No. 28 of 1946.

It "was the first general provision for compulsory segregation of Indians throughout Natal" (Bagwandeem, 154)

4 June 1946

6000 Indians marched down West Street in protest against the Act

13 JUNE 1946 DECLARED 'RESISTANCE DAY'

THE FIRST DAY OF THE CAMPAIGN

“Thursday, 13 June 1946, ‘Hartal Day’ marked the beginning of the passive resistance campaign. Indian businessmen were asked to close their shops, offices, factories etc.; parents were asked not to send their children to school; workers were exempted as they could lose their jobs. *The Leader* (newspaper) reported, ‘Durban was dead on Thursday.’ ... “the response in Durban and in the Transvaal meant that Hartal Day had been an unqualified success.” (165-6)

A group of Indian women [from Johannesburg] had boarded a fast mail train on Wednesday and arrived in Durban at nine o’ clock in the morning on ‘Hartal Day’. The women had defied inter-provincial restrictions. They had not applied for permits to enter Natal. This was the first violation of laws of the Passive Resistance Campaign. (Bagwandeem, 165-6)

At about 5.30 that afternoon at ‘Red Square’, “Hartal Day ended in a mass meeting of over 15 000 people.” [where the parking garage now stands in the former Pine Street] (Bagwandeem, 166)

... before eight o’ clock that evening a picked squad of volunteers under the leadership of Dr G.M. Naicker and M.D. Naidoo marched to the intersection of Umbilo Road and Gale Street (Gale Place end) [a controlled area – i.e. for whites only – according to the ‘Ghetto Act’] and pitched tents on a vacant piece of municipal land. (Bagwandeem, 165-6)

The women from Johannesburg joined the march to Gale Place and were also encamped at ‘Resistance Plot.’

They were: Mrs Meenatchie Sigamoney Nayagar, Miss Zeynab Asvat, Miss Zohra Bhayat, Mrs Amina Pahad, Mrs Zubeida Patel, Mrs Luxmi Govender, Mrs Veerama Pather (who had taken part in the Natal protests under Gandhi), and Mrs Chella Pillay

The men encamped at the plot were. Dr G.M. Naicker, Messrs. M.D. Naidoo, R.J. Premlall, R.A. Pillay. V. Patrick, Shaik Mahomed, M.N. Govender, p. Poonsamy, V.S. Chetty, T. J. Vasie, Abbai Soobramoney, S. Abdool Kader..(Bagwandeem, 175-6) According to Maniben Sita, three Pretoria men – Ramlal Sita, Sooboo Pillay and B.R. Mooloo – were in this first batch.

This marked the beginning of the passive resistance struggle. (Bagwandeem, 167)

“The NIC strategy in occupying ‘Resistance Plot’ was to ‘force the arrest of numerous resisters for violating the Land Tenure Act [the strategy that Gandhi had used in the Satyagraha Campaign from 1906 -1914]. The DCC and the police acted cautiously.” (Bagwandeem, 167) No arrests were made. The resisters remained on the plot.

2. HARRASSMENT AND ARRESTS JUNE 1946

“16 June 1946 ... a band of European hooligans raided the camps of the resisters... On the first two nights the culprits cut ropes ... removed tent pegs and also hurled a barrage of threats and abuse ...

On the third night they 'made a concerted rush at the tents, pulled them down ... and tore them to tatters.' Two women passive resisters were hurt. The attacks continued nightly ... the police were present they made no attempt to arrest the youths.

On 21 June 1946, the DCC acted. Signs were put up on the 'passive resistance plot' TRESPASSERS WILL BE PROSECUTED. The passive resisters were served with notices of trespassing.

That evening the first group of passive resisters was arrested. They appeared in the Durban Magistrate's Court on charges of trespassing. Dr G.M. Naicker and M.D. Naidoo would be sentenced on 22 July. The others were cautioned and discharged. (Bagwandeem, 168- 9)

The next day, 22 June, they were all back on 'passive resistance plot'. The Rev. Michael Scott joined them. At about 10 'o clock that night, they were all arrested. Then a second group led by Dr. Goonam marched in. This group included B. Sischy another European sympathiser. The second group was also arrested at about the same time.

"... attacks on the resisters by white youths were increasing becoming more brutal; many resisters had to be taken to hospital for treatment.

Other acts of hooliganism included: stoning and burning of cars; ... molesting and chasing individual Indians, catcalls and boos directed at the police.

The most tragic act ... was the wanton attack ... on [a plainclothes] Indian policeman, Krishnasamy Pillay. He later died from his wounds in hospital, and his funeral was reported as the largest Durban had ever seen."

That prompted the Police to appeal for the attacks to stop on the grounds that they were contributing to the success of the protest. (Bagwandeem, 167-8)

"On 24 June 1946 ... the District Commandant, Major J.M. Keevey announced that these gatherings were prohibited in terms of Section 1(4) of the Riotous Assemblies Act, No 27 of 1914 ... That same evening a group of 47 resisters was arrested (169)

By 24 June ten batches of resisters had been arrested. (169)

"The cycle of arrests and occupation of the passive resisters' camp continued unabated. (169)

No one was sent to prison until 27 June 1946. Then the leaders were imprisoned Dr Dadoo and Dr Naicker were sentenced to three months and six months imprisonment with hard labour respectively in terms of the Riotous Assemblies Act.

They were followed by M.D. Naidoo, six months and a week with hard labour; Dr K Goonam six months and a week with hard labour (four months were suspended); R.A. Pillay, three months with hard labour; Sorabjee Rustomjee, three months with hard labour. (169)

"...there would have been an international backlash if the masses were imprisoned ... to discourage the masses from courting arrest a fine of £5 was imposed without the option of imprisonment. (170)

AFTER JUNE

In July, ten passive resisters pitched a tent at the corner of Walter Gilbert and Umgeni Roads. The group was arrested but did not return this venue as it was not government or municipal land

On 19 August Mr Debi Singh, Chairman of the Passive Resistance Council announced the second phase of the campaign: George Singh and four others were going to occupy a vacant site in Brighton Road, Wentworth, in a controlled (i.e. for whites only) area. No action was taken against the resisters and they abandoned the site.

On 1 September, Rugnath Singh and his family occupied premises in a controlled area in Merebank/Wentworth. No action taken as occupation was legal.

(Bagwandeem, (165-6))

As the Cape Indian Congress was not participating, Resistance Councils were set up by radical individuals:

Mrs Z. Gool, Sundra Pillay and Cassim Amra in **Cape Town**.

M. M. Desai, V.K. Moodley and Dr. S.V. Appavoo in **Port Elizabeth**;

Dr N.V. Appavoo, O. Jonathan and R. Harry in **East London**

The Cape was not affected by the "Ghetto Act" but Indians in the Cape identified with the Natal and Transvaal Indians.

(Pahad, Chapter IV Section 2)

By November, three batches of resisters, numbering twenty-seven, had gone from the Cape to Durban to defy the "Ghetto Act". Up to November, some £17,000 were spent, a large part of which went to the dependants of the resisters.

3. PRETORIA WOMEN PASSIVE RESISTERS

In September, a batch of women from Marabastad in Pretoria arrived to take part in the campaign.

The following is Maniben Sita's account of their participation in the Passive Resistance campaign [as recorded in Muthal Naidoo's *Stories from the Asiatic Bazaar* (2007)]

Three Pretoria men, Ramlal, Maniben's eldest brother, Sooboo Pillay, and BR Mooloo were in the first batch of resisters led by GM Naicker and MD Naidoo. As they had no idea how long it would be before they were arrested, they set up camp with tents, chairs and other equipment. They were prepared to stay as long as it took but waiting in the midst of a hostile crowd was not easy. Eggs, tomatoes and other missiles came flying at them throughout the day. It would have been a relief to be arrested but they were still there after sunset.

Things quietened down after it became dark and they thought they were safe for the night but when they were least expecting it, a bunch of hooligans suddenly ran in among them, pulled down tents, smashed equipment and threatened them with violence. The passive resisters did not fight back but they did not leave either. Constant harassment over the next few days did not dislodge them and eventually the group's objective was met - they were arrested. At the arraignment, they pleaded guilty, were sentenced to a month in jail and taken off to prison. This was the awaited signal for volunteers in other parts of the country to get ready to come to Durban.

Maniben immediately began to mobilise women in the Asiatic Bazaar. Inspired by what she had read about women's achievements in the political struggles of India and South Africa, she wanted to organise an all women's batch to demonstrate the strength and dedication of women. Her father, who was closely associated with the Pillay family through Mr G

Krishnan, secretary of the Pretoria TIC, advised Maniben to speak with Thayanayagie (Thailema) Pillay, Mr Krishnan's sister-in-law and daughter of Thambi Naidoo who had walked side by side with Gandhi in political struggles from 1906 - 1914.]

Thailema, who was filled with the same courageous, unwavering desire for justice as her late father, was glad to join forces with Maniben. They were in sharp contrast: Thailema, tall and stately, her quiet dignity belying the fervour with which she undertook political activities and Maniben, scarcely nineteen years old, tiny, very articulate, forthright and outspoken. But they shared a passion and willingness to sacrifice that made them a perfect match.

Maniben, the daughter of the President of the TIC, and Thayanayagie, the sister-in-law of the Secretary, Krishnannè, and of Sooboo Pillay, a member of the Executive Committee, found the TIC Executive excited and eager to help them. When they began to recruit women for the campaign, Mr BR Mooloo and Mr Mohamed Jeeva, also executive members, encouraged their daughters to join in. With Thanga Dharmalingam, Maniben's school friend and Thailema's goddaughter, two of Thailema's relatives, Muniamma Pillay and Shunmugam Pillay, and Mrs Jassoo Gandhi and her sister, Gowrie Bharoochi, there were ten of them altogether. All readily agreed to take part in the campaign.

It was a group of mostly very young women: Thailema, the oldest, was in her thirties, Amina Jeeva and Jassoobhen Gandhi in their early twenties and all the rest under nineteen. Though Thailema and Maniben were the acknowledged leaders, Thailema was content to remain in the background, giving advice and organising. She made arrangements for the use of a room behind Sooboo's Café on Boom Street where they held information and planning sessions to prepare them for their undertaking. They formed themselves into an organisation known as the Indian Women's Service League and collected funds for the campaign on behalf of the TIC.

Their upcoming participation in the Passive Resistance Campaign excited a great deal of interest in the location. Krishnannè designed a special uniform for them that aligned the struggle in South Africa with the struggle for Independence in India. It consisted of a white sari with the map of India as motifs, a border in the colours of the Indian flag, and a white Nehru cap. These very young impressionable girls were exhilarated at the prospect of their daring adventure. They would be players in a situation that was dangerous and exciting; an event of greater significance than anything they had ever been involved in.

Then the great moment arrived! In September 1946, The Indian Women's Service League was called to serve. After medical fitness checks at Dr Dadoo's surgery in Johannesburg, they were driven down to Durban. Bubbling over with nervous energy, the girls, especially Thanga and Amina, were in a mischievous mood. Thailema, acknowledged mother of the group, tried to keep them calm, but these high-spirited young women on their first risky adventure, could not be subdued. They arrived in Durban just as Thailema's brother, Roy, was being released from prison. They held a combined welcome and farewell party for Roy's batch and the women from Pretoria, who had to be at the site that evening.

At dusk, they took their places on the vacant plot in Gale Street. There were no tents or chairs; these had long been removed. At any rate, they were no longer necessary. The authorities had been prodded into reacting exactly as the resisters had hoped they would. They had, involuntarily, developed a routine that allowed the Congresses to bring on batch after batch of resisters in quick succession to crowd the prisons and give the demonstration

the significance that it sought. Immediately after resisters arrived at the appointed spot, a police vehicle dispatched to arrest them, gave them twenty minutes for their demonstration before carrying them off.

"The police came and picked us up in their vans. Somebody told us before we left for Natal we must speak in Afrikaans to the police because most police are Afrikaner and their attitude changes immediately you speak Afrikaans. So when we were in the police van, Amina Jeeva and others started conversing with them in Afrikaans and they became friendly."

At the police station, where the women were giving their details and having their fingerprints taken, Gowrie Bharoochie, who was under sixteen, became flustered. It had been drummed into her that she had to say she was over sixteen or she would be sent away. But finding herself in such extraordinary circumstances, Gowrie stumbled over her details. Her predicament sent Thanga and Amina into a fit of giggles.

After spending the night in a holding cell, the women were taken to court the next morning. At their arraignment, all the women stood in a row as Maniben, the leader of the group, read out a statement: "We come from the capital city of South Africa where these laws are administered. They are unjust therefore we are opposing them." Having pleaded guilty to the charge of trespassing, they received the now standard sentence of thirty days in prison. Though she was expecting it, Maniben was still appalled at being sent to jail for a paltry offence.

The women were taken to the Pietermaritzburg Prison, the very prison in which Thailema's mother, Veerammal, and her tiny sister, Seshammal, had been imprisoned in 1913. Thailema felt very proud to be following in her mother's footsteps. The women were divided into three groups and locked up. Maniben shared a cell with Thanga Dharmalingam and Amina Jeeva. Their beds were coir mattresses on the floor. They had two blankets each: one to cover the mattress, the other to cover themselves. As there were no pillows, they rolled up some of their clothes to make bolsters. They had to be up by seven in the morning, line up for inspection, and then go out to exercise.

Twice a week, they bathed from washbasins in the yard. "The thing that surprised us most," Maniben recalls, "is that we all had to stand naked in front of each other. That was a bit embarrassing at the beginning, but afterwards, you get used to it and it becomes just ordinary." At about four in the afternoon, they were locked up for the night.

Maniben didn't find the conditions unpleasant. "It wasn't a tense atmosphere, it was very harmonious. The wardresses used to joke with the prisoners. I know that Amina and Thanga used to stare at the wardresses when they ate a sandwich with jam or butter in it because we had dry bread. They used to ask, 'Now when will the day come when we can have sandwiches like that?' The food, never enough for them, was too much for me. Amina would say, 'Maniben, if you don't need that, please give it to me,' and she used to share my food. Thanga used to share my food too. But it was all fun."

Time hung heavily over them. "We just sat there all day long. Sometimes they gave us socks to repair or a little bit of sewing. I wished we had our knitting there. How much we could get done. I wished they would give us books to read. How many books we could read because we've got no other work, no cooking to do, no dishes to wash and all that we have to do at

home. But we just had to dream to while away the hours. Or Amina used to sing and we used to talk about our life experiences."

They felt lucky to have Amina Jeeva among them. Her pranks, jokes, her outrageous flirting with the wardresses, kept them amused. What they loved most of all was to listen to her beautiful singing. Still, it was difficult to fill up the time. Being in prison was dreary; they were in a kind of limbo that made existence meaningless. When their sentence was reduced to twenty-one days for good behaviour, they were immensely relieved.

When they returned to Pretoria, they were the heroines of the moment. "The spirit was high. There was a meeting to welcome us back and the Sooboo family prepared a special lunch for us. People were very happy to see us; they greeted us everywhere we went."

But the Passive Resistance Campaign was not over. Although it continued well into the next year, the number of new volunteers began to dwindle. To infuse new energy into the campaign, the Congresses called for people to volunteer a second time. Maniben's father, Nana Sita, and her brothers volunteered again. Of the women, only Maniben, Amina and Thanga went a second time. Though over 2000 people went to jail during the period of resistance, the campaign did not achieve its goals. After it ended, the Pretoria Indian Women's Service League died a quiet death. "We didn't meet or do anything after that."

An important consequence of the Passive Resistance Campaign, however, was the formation of an inter-racial alliance of political organisations. When the Nationalist Party, the new government after the 1948 elections, began introducing discriminatory legislation, the new alliance embarked on a Defiance of Unjust Laws Campaign (the Defiance Campaign).

4. THE THIRD PHASE OF THE PASSIVE RESISTANCE CAMPAIGN

(Bagwandeem, 170-1)

"The Indian Government was extremely perturbed by developments in South Africa and brought the matter before the General Assembly of the United Nations (UN). The meeting ... on 23 October 1946 ... [was attended by] delegations from India, South Africa and the South African Indian political organisations i.e. the NIC, TIC and SAIC. The South African delegation was headed by Smuts ... accompanied by DG Shepstone amongst others. Vijaya Lakshmi Pandit headed the Indian delegation and the South African Indian delegation consisted of all their executive leaders including PR Pather.

"The Passive Resistance Council [had] called for demonstrations in S. Africa and abroad on 23 October 1946, to coincide with the meeting of the United Nations General Assembly. It [marked] the beginning of the third phase of passive resistance.

"The third phase began with 358 volunteers occupying the 'resistance camp' at Umbilo Road-Gale Street. Several thousands of Europeans and non-Europeans watched the mass arrests. Among [those arrested] were Indians from Pretoria, Cape Town, Mafeking, Witwatersrand, some Africans and two Europeans, one of whom was the well-known Mission priest in Durban, the Rev. W. H. Satchell.

(Pahad, Chapter IV Section 7)

Indian students in Natal responded eagerly to the call for resistance. At a meeting on 7 April, the students of the Durban Indian Girls' High School, **Sastri** College and the Natal University College condemned the Bill as a "fascist" measure. In a resolution they pledged their support to the NIC. (Chapter IV Section 7)

Former professor of Speech and Drama at the University of Durban-Westville, Gowrie Naidoo (née Pather) was ten years old when all this was happening. This is what she remembers of the Passive Resistance Campaign.

“As children in Flat 9, Empire Court [cnr. Grey and Beatrice Streets, Durban], we were aware of the Passive Resistance Movement. From time to time there would be a knock on our door at some unearthly hour and someone would need a place to spend the night. To us children it would be someone that our parents knew well - Auntie Thailamma, Auntie Mama, Uncle Roy or Uncle Barsarthy and other uncles and aunts from Johannesburg. As a child I just knew that they were going to be arrested for sitting in European areas - areas reserved for Whites only. There was a grass lawn in Gale Street - an area prohibited to Non-Whites. The Passive Resisters chose this lawn as part of their resistance campaign. Groups of Passive Resisters would sit on this lawn singing freedom songs until the police came and arrested them, put them in the police vans and took them to prison. I remember how my dad would put us in his car and take us to Gale Street to watch. Actually many cars would be parked around the lawn to watch. There was great excitement amongst the children. We waited and joined in with the singing of the Freedom songs where we could. Until the police arrived! There was feverish excitement! For me it was excitement mixed with fear. What if they took us to jail too - for parking in a White area?

There was a hustle and a bustle amongst the Passive Resisters as the white policemen roughly bundled them into the police vans. They defiantly raised their thumbs and shouted "FREEDOM" and all the occupants of the cars, including ten year old me, raised our thumbs in the air and shouted "FREEDOM!" And our car sped away!” [Gowrie Naidoo, 2013)

(Pahad, Chapter IV Section 7)

“In the six month period from June to December 1946, 1,546 people (254 women) were arrested, 215 for the second time. Those arrested included six Europeans, six Coloureds and fifteen Africans. The largest contingents were factory and municipal workers, waiters and housewives.

After the Act was passed, the Government of India arraigned the Union before the United Nations. The Indian Delegation led by Mrs Vijaya Lakshmi Pandit vigorously condemned the “Ghetto” Act. On December 1946, the French-Mexican Proposal was endorsed by the Joint Political and Legal Committee of the UNO. The proposal included the statement “the treatment of Indians in the Union of South Africa should be in conformity with the international obligations under the agreement concluded between the two governments and the relevant provisions of the [UN] charter.” It requested “the two Governments to report at the next session of the General Assembly the measures adopted to this effect.” (P.S. Joshi, *Struggle for Equality*, 186)

(Bagwandeem, 171)

The South African Government chose to ignore the recommendations of the UN. Passive Resistance continued, the Indian Government withdrew its High Commission in South Africa and cut off trading relations.

CONSERVATIVE REACTION

The conservative Kajee-Pather alliance objected to the withdrawal of the High Commissioner from South Africa; they believed the High Commissioner was vital to oversee the implementation of the UN resolution. They supported Smuts' insistence on the return of the Indian High Commissioner to South Africa.

"In April 1947, PR and his colleagues held a public meeting to decide their political future. PR Pather addressed the meeting and stated that he and others who opposed the leadership of the NIC and the TIC should not remain silent especially since the leaders of the Congresses were under the control of the communists "who were prepared to bargain with the fate of the Indian community in order to advance the interests of the communists".

He ... stated that after the victory at the UN the NIC and TIC should have called off the Passive Resistance Campaign as a gesture of goodwill, but did not do so due to their arrogance and overconfidence after the positive turn of events.

He proposed the formation of a new organisation, which would represent the interests of the Indian community but would also work in a spirit of co-operation and goodwill with the government, the European public and other races of the land."

At a meeting held on 4 May 1947, PR moved a resolution concerning the establishment of the Natal Indian Organisation (NIO). The NIO decided to seek affiliation with the SAIC. The new Organisation at its inaugural meeting opposed the Asiatic Land Tenure and Indian Representation Act and stated that it would "seek the repeal of the Act by all constitutional and legitimate means". At this meeting PR was appointed Honorary Secretary of the NIO.

The NIO also expressed its total opposition to the establishment of the Indian Board to deal with Smuts ... the NIO would send a delegation to meet with Prime Minister Smuts. The NIO ... [was] able to convince Smuts to do away with his plans for the establishment of the Indian Advisory Board. They proposed instead a consultative council consisting of about six or seven members who would advise the government on matters pertaining to the Indian community.

By 1948 the conservative wing headed by AI Kajee and PR Pather had lost much of their influence in the SAIC.

In March 1948 they called a South African Conference which consisted of the NIO, the newly formed Transvaal Indian Organisation (TIO) and the still conventionalist Cape Indian Congress.

The Conference decided to send a delegation to India, a move that was completely rejected by the Indian government as well as the Indian congresses.

Smuts whose common goal was the resumption of relations between India and South Africa however supported the conference.

The South African Congress was never really taken seriously as a fully-fledged political Organisation and even the Indian government just regarded it as a breakaway clique.

In September 1948 the NIO, TIO and CIC established the South African Indian Organisation (SAIO) and at precisely the same time the government confiscated the passports of Dr. Naicker and Dr. Dadoo who were due to leave to Paris. In a surprising though revealing move the government also confiscated the passports of the conservative leadership of the SAIO.

Until 1948 PR devoted most of his time and energy to the cause that he believed in and despite the uphill struggle he remained with it. His business and his financial position suffered greatly but this did not inhibit his activities. The policy of accommodation and appeasement favoured by PR and his colleagues was undermined completely by the strong anti-Indian attitudes of Malan and his Government.

1947

The Passive resistance campaign began to wane in 1947, but NIC resolved at its May-June 1947 conference to continue the campaign.

According to Maniben Sita, who had organised the Pretoria Women Passive Resisters in September 1946, "Although it continued well into the next year, the number of new volunteers began to dwindle. To infuse new energy into the campaign, the Congresses called for people to volunteer a second time. Maniben's father, Nana Sita, and her brothers volunteered again. Of the women, only Maniben, Amina and Thanga went a second time." (*Stories from the Asiatic Bazaar*).

(Bagwandeem, 172).

At its emergency conference on November 30, the NIC urged delegates to go door-to-door to appeal for funds and volunteers and to get the trade unions more involved.

1948

9 January, the Joint Council [of the Passive Resistance Campaign] decided to adopt Gandhi's strategy of crossing the provincial border without permits.

24 January, R.A. Pillay and R. Maharaj led a batch of twenty-five across the Natal-Transvaal border. The Government ignored them. So they addressed numerous meetings in the Transvaal.

When no arrests were made they threatened to move into the Orange Free State. [Indians were not allowed in the OFS]

10 February, they were arrested, received a suspended sentence of one month's imprisonment in the Johannesburg Magistrate's Court and were sent back to Newcastle.

10 February Dr Dadoo and Dr Naicker were charged in the Durban Magistrate's Court with aiding and abetting the resisters. They were each sentenced to six months imprisonment

12 February Fifteen, of the twenty-five who had crossed the Natal-Transvaal border and were arrested on 10 February, crossed the border again. They were arrested.

18 February, they were sentenced to three month's hard labour plus one month's suspended sentence.

June 1948

The Nationalist Government came into power and the campaign was suspended.

An important outcome of the Indian Passive resistance campaign ...was the closer political co-operation with African and Coloured people. The African National Congress, The African People's Organisation representing the Coloured community, the Non-European Unity movement, the SAIC were all beginning to recognise that theirs was a common struggle. In March 1947, the "Doctors' Pact," a "Joint Declaration of Co-operation," was signed by Dr Naicker of the NIC, Dr Dadoo of the TIC and Dr Xuma of the ANC.

When the Nationalist Party, the new government after the 1948 elections, began introducing discriminatory legislation, the new alliance embarked on a Defiance of Unjust Laws Campaign (the Defiance Campaign).

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