

AN OUTLINE OF

INDIAN SOUTH AFRICAN HISTORY

1860 - 1960

Indians arrived in South Africa in 1860 and, at the time of this writing, [1] have been in the country for over 140 years. That would make about five generations born in the country.

1860 - 1914

Brought to the British colony of Natal in 1860 as indentured labourers, coolies, on five-year contracts, Indians came to work mainly on sugar plantations where they lived under very harsh and cruel conditions. After five years, they were given the options of renewing their contracts, returning to India or becoming independent workers. To induce the coolies into second terms, the colonial government of Natal promised grants of land on expiry of contracts. But the colony did not honour this agreement and only about fifty people received plots. Nevertheless, many opted for freedom and became small holders, market gardeners, fishermen, domestic servants, waiters or coal miners. Some left the colony. By the 1870's, free Indians were exploring opportunities in the Cape Colony, the Orange Free State and the South African Republic (Transvaal). Those who sought to make their fortunes in the diamond and gold fields were not allowed digging rights and became traders, hawkers and workers.

Continued importation of indentured labour until 1911, though sporadic, encouraged opportunistic traders and merchants from India and Mauritius to emigrate to South Africa. These independent immigrants, known as "passenger" Indians, began arriving in the country from about 1875. Many of them quickly acquired land and set up businesses and trading posts. When their enterprises began to encroach on white settlements, laws and regulations were passed to limit their expansion and acquisition of land. Immigrants living in the Republics, unlike those in the British colony of Natal, were not enfranchised and were not welcome in the Republics and laws were passed to contain their growth and development.

The Transvaal's onerous Act 3 of 1885, debarred them from owning land and confined them to locations. But "passenger" Indians, who believed that as British subjects, they were entitled to the protection of the crown, were not afraid to enter into litigation. As early as the 1880's, Indian merchants in the Transvaal were petitioning the government and challenging its laws in the courts. They sent a petition to the government protesting Act 3 of 1885 and when it was ignored, took their protest to the British High Commissioner. When this failed as well, Ismail Suliman & Co. challenged Act 3 in the courts in August 1888.

Before that, in June 1888, Indian merchants had protested against curfew regulations on the grounds that they were not African. So before Mohandas Karamchand Gandhi arrived in South Africa in 1893, Indians were actively involved in litigation against governments.

In Natal, the merchant elite, under the leadership of a very wealthy ship owner, Sheth Dada Abdulla had established an Ad-Hoc Committee to deal with restrictive legislation. When the Sheth became involved in a legal battle with his cousin, Sheth Tyeb Haji Khan Muhammed, an equally influential leader amongst Indians in the Transvaal, he wrote to a law firm in India and MK Gandhi, a barrister, was sent to South Africa to deal with the matter. He arrived in 1893 and dealt very competently with the suit, bringing it to arbitration and reconciling the cousins. After the case, the local merchants, realising the value of a lawyer in their midst, prevailed upon Gandhi to stay in South Africa to give proper legal direction to their activities. He agreed and through his involvement with this group, began to learn of the problems facing Indians in the country.

In 1894, Gandhi became the secretary of the merchants Ad Hoc Committee, gave it a new name, the Natal Indian Congress, and set about challenging legislation aimed at disempowering Indians. He organised meetings and petitions to stop the Bills, but the Franchise Act, which disenfranchised all Indians, was passed in 1894, and Law 17, which imposed a poll tax on free Indians, was passed in 1895. Act 17, the most onerous of laws passed in Natal, imposed a £3 poll tax, about six months earnings, on free (ex-indentured) Indians.

In 1903, it was extended to children as well.

It was hoped that to escape the tax, free Indians would either leave for other parts of the country or return to India.

As the governments of the Republics of the Transvaal and Orange Free State and the Cape Colony were restricting entry of Indians into their areas of jurisdiction, many free Indians had no choice but to endure the burdensome poll tax.

Gandhi appealed to the British Government and was successful in getting the Franchise Act

overturned. But when Gandhi went back to India in 1896 to canvass support from the Indian National Congress, the Indian Government and influential individuals, the Franchise Amendment Act of 1896 was passed and Indians in Natal were disenfranchised once more.

When the South African (Boer) War broke out in 1899, Gandhi formed the Indian Volunteer Ambulance Corps to serve British troops, as he believed that Indians owed their loyalty to the Empire. He was from India, a British colony, had been educated in Britain, and believed that such efforts would win proper recognition of Indians as British subjects. He made a similar effort with his Indian Stretcher Bearer Corps during the Bambatha (Zulu) Rebellion in 1906. Ironically, Zulus at that time were reacting to a poll tax that had been imposed on them by the Natal government, which was still enforcing the poll tax on Indians.

Gandhi's stretcher corps was assigned to caring for wounded Zulus.

During the South African (Boer) War, the majority of Indians left the Transvaal and sought refuge in Natal, the Cape Colony and India. After the war, the new British Military Authority that had replaced the government of the Transvaal Republic, put obstacles in the way of returning refugees by making re-entry subject to permits and passed an ordinance to enforce the provisions of Act 3 of 1885 "to segregate the Asiatics into locations for residence and trade, to refuse licences except in the Asiatic Bazaars and to make the licences of pre-war Asiatic traders non-transferable."

[\[2\]](#)

Gandhi, who had left for India at the end of 1901, returned the following year to assist the Transvaal Indians.

In 1904, he set up the Transvaal British Indian Association (forerunner of the Transvaal Indian Congress), held meetings and sent off petitions as he had done in Natal.

He also became editor of the newspaper, *Indian Opinion*, established in 1903 as the organ of the Natal and the Transvaal Congresses.

After a few years, British Military governance gave way to colonial rule in the Transvaal and the new government under General Smuts, began debate on the Asiatic Law Amendment Bill (The

Black Act), which proposed the registration and fingerprinting of Indians, who would be required to carry registration certificates (similar to passes) at all times. This law, which raised great indignation amongst Indians, led to many mass meetings and at the one held at the Empire Theatre in Johannesburg, Gandhi introduced the idea of satyagraha [3] - engagement in non-cooperative, non-violent action and sacrifice - and when the "Black Act" was passed, there was an almost total boycott of the registration procedures.

Gandhi was imprisoned, then ordered to leave the colony and 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 voluntary registration.

In good faith, Gandhi led the Indians in registering but the Act was not repealed.

A passive resistance 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, during negotiations for the establishment of 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, there could be no further recourse to British intervention.

Gandhi then set up Tolstoy Farm on land donated by Hermann Kallenbach, an admirer of Leo Tolstoy, a follower of Gandhi and a satyagrahi. The farm "was established with a view to training an army of non-violent volunteers." [4]

Many activists took their families and went to live on the farm for the next three years. In 1913, they were given an opportunity to put their training as satyagrahis into action as a result of:

1. The Immigrants Regulation Act, No 22 of 1913, which put an end to Indian immigration and restricted Indian entry into provinces not of their domicile. (There were no Indians in the Orange Free State which, in 1891, had expelled Indian residents and prohibited Indian entry altogether.)

2. A judgement by Justice Malcolm Searle in March 1913 in the Cape division of the Supreme Court that rendered all marriages conducted according to Hindu or Muslim rites invalid because these religions allow polygamy.

So Gandhi planned a Satyagraha campaign that included women for the first time and even allowed them the initiative. Their resistance first took the form of hawking without licences, and then crossing the provincial border without permits, but these efforts did not get them arrested. When they were taken to the coalmines in Newcastle where they brought the coalminers out on strike against the poll tax, they were at last arrested.

While they were in prison, Gandhi led the striking miners and others across the Natal border into the Transvaal. During the march Gandhi was arrested three times at various towns along the way and released twice. He was in jail when the marchers reached Balfour just before Heidelberg, where they were all arrested. The coalminers were put on trains, sent back to the mines, forced down shafts and severely flogged. Their compounds became prison camps. Though Gandhi and many marchers had been arrested and imprisoned, the protests did not stop as people in other parts of the country came out on strike and began marching. When white railway workers on the Witwatersrand went on strike, Gandhi put an end to the satyagraha campaign as it was not to be confused with the railway strike.

General Smuts met with Gandhi and their deliberations led 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) and belief in that strategy sustained mass protests until the demise of apartheid.

After 1914

Indians continue their struggle.

Very soon (after Gandhi's departure) renewed friction developed under existing restrictive laws.

Thus, in the Transvaal, Indians discovered that it was possible to evade the Gold Law and Townships Act of 1908 by establishing businesses under the Transvaal Companies Act of 1909, and to evade Law 3 of 1885, respecting ownership of property, by registering it in the names of companies, which was declared lawful by the courts in 1916 and confirmed on appeal in 1920.

The number of Indian private companies in the Transvaal grew from three in 1913 to 103 in 1916.

[\[5\]](#)

As a result a South Africans' League under Sir Abe Bailey was formed in 1919 for "the expropriation of Indians." [\[6\]](#)

An anti-Asiatic League congress met in Pretoria in September that year, attended by twenty-six local authorities, thirty chambers of commerce, nine agricultural societies, twelve religious congregations and forty trade unions. [\[7\]](#)

Their recommendations led to the Transvaal Asiatic Land and Trading Amendment Act of 1919 that "exempted Indians with businesses in mining areas if they still occupied the sites, but prohibited the ownership of fixed property by companies in which one or more Asians had a controlling interest." [\[8\]](#) These measures, attempts to segregate Indians and curb their economic viability, led to clashes between South African Representatives and Indian Representatives at Imperial Conferences in London.

Dr Srinivasa

Sastri (1921) and Sir Tej Bahadur Sapru (1923), representatives of the Indian Government demanded fair treatment for Indians but as General Smuts saw it, this was

"a question of the white man's position in society, and in the last resort of his continuing presence in Southern Africa."

[\[9\]](#)

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.

The Asiatic Land and Trading Amendment Act of 1919 and other restrictive measures led to the amalgamation of the Natal, Transvaal and Cape congresses into the South African Indian Congress; Indians were no longer dealing with disparate governments and needed a national organisation to deal with a national government. The South African Indian Congress made appeals to the Union Government, The Indian National Congress and the British Government and prominent Indians (from India), notably Srinivasa Sastri, Tej Bahadur Sapru and Mrs Sarojini Naidu.

When the South African Party (SAP) under General Smuts was defeated in the 1924 elections, 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.

It negotiated with Srinivasa Sastri, Sarojini Naidu (president of the Indian National Congress) and others who came over on fact-finding missions.

At round table discussions, held from 27 December 1926 to 11 January 1927, between a deputation from India and the PACT Government, the Cape Town Agreement was drawn up.

It recommended a scheme of subsidised repatriation that reflected the PACT Government's wishes and did little to alleviate the position of Indian South Africans. The Agreement also approved the appointment of an Indian Agent to mediate between Indian South Africans and the South African Government.

Between 1927 and 1948, a number of Indian Agents were appointed. Srinivasa Sastri, appointed in 1927, was the first.

Then came Sir Kurma Reddi, Sir Syed Raza Ali, Sir Kunwar Maharaj Singh and Sir Rama Rau, all eminent, erudite leaders from India.

The South African Indian community in general revered them all and was very proud to welcome them but young radical political activists repudiated them. These youthful members of the Congresses condemned these Agents for their ineffectiveness, their inability to address real issues and their readiness to compromise.

As the young lions believed that their future was in their own hands, not in the hands of Indian Agents or collaborators, they began to advocate the strategy of non-violent, non-cooperation (satyagraha) to protest against the land and trade restrictions embodied in 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.

Despite the many laws instituted from 1885 to confine and repress Indian endeavour, Indians had expanded their trade and ownership of land into areas not specifically designated for them because laws, especially under the colonies and republics, had not been strictly applied. For example, under the provisions of the Transvaal Company Act of 1909, they had been able to form limited companies and purchase land.

They had taken advantage of loopholes: the appointment of nominees in whose names they could acquire property, and marriage to white and Malay women, who were allowed to own property. The latter development led to laws against miscegenation and mixed marriages, which were probably more economic than racist measures.

The late 1930's and early forties was a period of internal struggle in the congresses and the young radicals eventually emerged victorious. In 1945, Dr Yusuf Dadoo took over the leadership of the Congress in the Transvaal and Dr G.M. Naicker became the leader in Natal.

In 1946, after Smuts' government passed the Ghetto Act, the Congresses embarked on a massive passive resistance campaign and over 2000 men and women were imprisoned.

Though the campaign did not achieve the desired goals, it helped to amalgamate people of all races in the struggle for human rights. 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.

Under Apartheid

In 1948, the Nationalist Government came into power and began to formalise the separate development policy that had been in the making since the time of Van Riebeeck.

Its apartheid laws brought all oppressed people together in the struggle for freedom. In the 1950's enduring links were established through the Defiance Campaign of 1952, the Congress of the People in 1955, the Women's March in 1956 and the Treason Trial, 1956 - 1961 and the Indian community as a whole began to lose its myopic grasp of oppression in South Africa.

In 1911, with the Colonial Born Indian Association, there had been an incipient understanding of a new identity.

This grew stronger in the 1920's and 30's when young radical leaders began to take over the Congresses, but it was only in the 1950's that Indians, in general, came to an acceptance of themselves as South Africans.

It had taken ninety years to evolve to this point. At the beginning, Indians had been totally self-absorbed partly because they were immigrants but mostly because anti-Indian legislation had kept their focus firmly fixed on their own condition.

Ironically, it was apartheid that gave them the freedom to break out of narrow cultural confines.

Before 1948, legislative acts had not really taken on a national character and were still, for the most part, enactments for separate states and separate groups.

This had kept oppressed communities in distinct compartments and each had focused on its own problems.

With the advent of formal apartheid, legislation cut across provincial barriers and made people aware that new, unequivocal statements of separate development, among them the Population Registration Act, The Group Areas Act and The Separate Amenities Act, affected them all.

And they became South Africans.

SOURCES

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 2. Liebenberg, BJ & Spies, SB, eds. *South Africa in the 20th Century*. Pretoria: JL van Schaik, 1993.
 3. Joshi, PS. *The Tyranny of Colour: A Study of the Indian Problem in South Africa*. Durban: EP & Commercial Printing Company, Ltd., 1946.
 4. Meer, Fatima. *Apprenticeship of a Mahatma*. Durban: Phoenix Settlement Trust/ Premier Press, 1970.
 5. Pampallis, John. *Foundations of the New South Africa*. Cape Town: Maskew Miller Longman, (Pty) Ltd., 1991.
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[1] 2003

[2] PS Joshi, *The Tyranny of Colour: A study of the Indian Problem in South Africa*, Durban: E.P. & Commercial Printing Company, 1942, p.60

[3] Gandhi coined the word from *sat* (truth) and *agraha* (firmness)

[4] *Tyranny of Colour*, p. 70

[5] TRH Davenport, *South Africa: A Modern History*, 4th edition, London, 1991, p.241.

[6] Davenport, p. 241

[7] Davenport, p. 241

[8] Davenport, p. 241

[9] Davenport, p. 242

1. Searching for one's roots in India is possible only if the forebears came in as indentured labourers. There are no records for those who came in as "Passenger Indians" - i.e. those who paid their own way here and came to seek their fortune in South Africa.

2. One must be able to find the old elongated birth certificate of someone in the family - say an uncle or aunt or grandparents - , to find the indentured labourer's passenger number (on the ship he/she arrived in). This number can be found on the birth certificate alongside the parents' names.

3. Once the number/s are found, tracing roots is easy. A request can be made, quoting these numbers, for an extract from the ship's passenger list. This can be sent to the Archives in de Mazenod Street in Durban. (I will find the postal address and email address and send them to you).

The applicant will receive the details on a printed form. These details will include, among others:

Name of the person

Names of parents of the said passenger,

village in India from which they came,

the town/province from which they came,

name of the ship on which they arrived - and date of arrival,

where they were sent to work as indentured labourers, etc etc.

4. Alternatively, the person searching for his/her roots can find the ship's lists on the internet - type in "Indentured labourers' passenger lists"

5. I will be happy to assist anyone who is searching for family roots. Email me on kochet185@gmail.com