

## APPENDIX: STORIES FROM THE ASIATIC BAZAAR

*A Chronological List of Laws and Events Specifically Relevant to the Asiatic Bazaar*

*(Adapted from PS Joshi's "The Tyranny of Colour" Appendix A)*

### A. Under Boer Republics and British Colonies

1. 1885 Transvaal. Law 3 of 1885

As amended 1887.

1. This law shall apply to the persons belonging to any of the native races of Asia, including the so-called Coolies, Arabs, Malays, and Mohammedan subjects of the Turkish Empire.

2. With regard to the persons mentioned in Article One the following provisions shall apply:-

(a) They cannot obtain the burgher right of the South African Republic (Transvaal).

(b) They cannot be owners of fixed property in the Republic except only in such streets, wards and locations as the Government for purposes of sanitation shall assign to them to live in.

(c) They shall be inscribed in a Register, if they settled with the object of trading.

(d) The government shall have the right for purposes of sanitation, to assign to them certain streets, wards and locations to live in. This provision does not apply to those who live with their employers.

1. 1891 Statute Law of the Orange Free State (OFS) prohibited any Arab, Chinaman, coolie or any other Asiatic coloured person from carrying on business or farming in the OFS.

All Indian businesses forced to close by 11 September 1891 and owners deported from the OFS without compensation.

2. 1893 MK Gandhi arrives in South Africa to represent Seth Dada Abdullah in a suit against his cousin

3. 1894 Ad-Hoc Committee of Natal Indian merchants becomes the Natal Indian Congress - MK Gandhi secretary

4. 1895 Law 17 of 1895, Natal, imposed the £3 poll tax on all free Indians i.e. no longer indentured and working for themselves. £3 represented almost six months income. The Natal Government wanted free Indians out of the colony.

5. 1895 Mahatma Gandhi takes up the cause of Indians with reference to the £3 poll tax.

6. 1896 The Franchise Act No 8 of 1896 Natal. Indians in Natal disenfranchised.

7. 1897 The Dealers Licences Act, No 18, 1897, Natal. Licensing Officers empowered to issue or refuse licences.

Indians had difficulty obtaining licences

8. 1897 The Immigration Restriction Act, 1897. Natal - stopped Indian immigration

9. 1897 Law 3 of 1897, prohibited marriage of whites with persons of colour within the South

## African Republic (Transvaal)

10. 1898 Law 15 of 1898. Transvaal - no person of colour may be a licence holder, or in any way connected with the workings of the diggings.

11. 1899 Coolie Location established for Indians in Transvaal.

12. 1899 Regulations for Towns in the South African Republic (Transvaal). Persons of colour prohibited from walking on the side-walks (pavements) or stoeps serving as a side-walk of the streets of its towns.

## **B. Under British Military Authorities 1900 -- 1902**

1. 1900 The Act No 1 of 1900 to amend Immigration Law. Natal

## **C. 1903 - 1910 British Colonial Rule -Transvaal, Orange Free State, Natal and Cape Governments**

1. 1903 Ordinance No 5 issue of permits to regulate re-entry of Indians who had left the Transvaal for Natal, the Cape Colony and India when war broke out.

Segregate Asiatics into locations, refuse trading licences except in Asiatic bazaars, pre-war licences of Asiatics, non-transferable

2. 1903 The Immorality Ordinance, Law 46 of 1903. Transvaal

3. 1903 The Immigration Restriction Act of 1903. Natal

4. 1903 MK Gandhi forms Transvaal British Indian Association (later Transvaal Indian Congress)

5. 1906 The Immigration Act, 1906. Cape Colony. Indian immigration into the colony stopped by literacy requirements.

6. 1906 Johannesburg Municipal Ordinance (2, private) of 1906

7. 1906 Act No 3 1906 to amend the 1903 Immigration Act. Natal

8. 1906 Delegation of Indians to London to protest The Asiatic Law Amendment Act (The Black Act) being discussed in parliament.

9. 1907 The Asiatic Law Amendment Act (The Black Act). Transvaal. All male Asians to be registered, certificate (pass) with fingerprints on it to be carried at all times and shown to police on demand. à Satyagraha campaign led by Gandhi - burning of passes..

10. 1907 The Arms and Ammunition Act, No 10 of 1907. Transvaal - prohibited the issue of licences to Indians without sanction of Minister

11. 1907 The Immigration Act, No 15 of 1907. Transvaal - prohibited immigration through literacy requirements  
Established Immigration Department

12. 1907 The Education Act, No 25 of 1907. Transvaal - Coloured children not allowed into European schools - separate schools established - education free and compulsory for white children not for Coloured children.

13. 1907 The Act No 27 of 1907, the Vrededorp Stands Ordinance. Transvaal-freehold title of certain stands transferred to Johannesburg Municipal Council on condition that such title not be transferred to an Asiatic, native or coloured person.

14. 1907 The Workmen's Compensation Act, No 36 of 1907. Transvaal - denied benefits to Asiatic and coloured people.

Workman defined as white person

15. 1908 Transvaal Immigration Restriction Act. Further immigration of Indians into Transvaal barred à protest marches - Satyagrahis from Natal illegally enter Transvaal - deportation to Natal /India

à Act 36 of 1908 - Indians given right to obtain registration certificate that allowed them to enter and settle in Transvaal

16. 1908 The Immorality Amendment Ordinance, Law 16 of 1908. Transvaal. Sexual relations between whites and coloured persons outlawed..

17. 1908 The Townships Amendment Act, Law 34 of 1908. Transvaal - coloured persons to live in townships only as domestic servants, not as independent merchants or free citizens

18. 1908 The Precious Base Metals Act (Gold Law) of 1908. Transvaal - restricted occupation of land proclaimed as a public digging by coloured persons - denied coloured persons right to acquire mining title and privileges and to trade in such areas.  
Prevented goldsmiths from conducting their business.

19. 1908 The Asiatic Registration Amendment Act, No 36 of 1908. Transvaal.

20. 1908 The Public Service and Pensions Act, No 19 of 1908. Transvaal.
21. 1909 The South Africa Act left anti-Indian legislation intact.

D. Under the first Union Government of the South African Party headed by General Louis Botha and General Jan Smuts.

1. 1911 Formation of Colonial Born Indian Association (CBIA) - to fight the £3 poll tax. CBI A represented middle group and poor Indians.

NIC (Natal Indian Congress) represented wealthy Indians

2. 1913 March. Supreme Court (Cape) decision - all Hindu and Muslim marriages declared illegal - government did not recognise marriages performed according to rites which permitted polygamy

3. 1913 June. The Immigrants Regulation Act (No 22 of 1913). Persons not literate in a European language and undesirables i.e. on economic grounds or on account of standards or habits of life could be excluded from the country.

Minister of Interior classifies all Asiatic persons as undesirable.

Indian immigration stopped.

The Supreme Court decision regarding marriages and the Immigration Regulation Act

à  
satyagraha demonstrations under leadership of Gandhi - marches from Natal to Transvaal, Natal to OFS and Transvaal to Natal.

4. 1914 The Indian Relief Act. Smuts-Gandhi agreement. £3 tax abolished.

Hindu and Muslim marriages recognised. Indian children of parents living in South Africa allowed entry.

Indians still not allowed to own property in the two former republics (Transvaal and Orange Free State). Indian not allowed to live in OFS.

Restrictions on trading not removed

Indians remained disenfranchised

1. 1919 The Asiatic Land and Trading Amendment Act. - Indians with rights

to trade on property outside designated Asiatic bazaars allowed to continue. New licences stopped. Indian  
s not allowed to own immovable property

Register to be compiled of existing licences and business owned by Indians

The law protected trading rights of a few

1. 1923 Establishment of South African Indian Congress.

## **E. Under the PACT Government of JBM Hertzog**

1. 1924 The Township Franchise Ordinance. Natal - deprived Indians of municipal franchise.

2. 1924 The Rural Dealers Ordinance. Natal - attempt to cripple Indian trade

3. 1924 The Durban Land Alienation Ordinance, Natal - prevented Indian ownership of land in white areas

4. 1924 Areas Reservation and Immigration and Registration (Further Provision) Bill - reservation of special areas for Indians.

Indians could be declared prohibited immigrants

Indians sentenced to imprisonment could be deported

Indians could not bring wives from India

Indians who did not return to South Africa within three years lost right to enter the country

Indian marriages - invalid

Registration of Indians (Transvaal) - to reduce Indian population

1. 1925 The General Dealers Control Ordinance. Transvaal.
2. 1925 The Wage Act - designed to promote white employment-earmarked a number of trades for whites. 1930 Minimum wage required signature on application

à  
Black people not literate. Minimum wage not applied to Grade II workers (mostly black)

3. 1926 The Mines and Works amendment Act (the Colour Bar Act) - early job reservation-Black workers could not become dynamiters, surveyors and machinists

4. 1926 The Local Government (Provincial Powers) Act - denied citizenship rights to Indians

5. 1927 21 February The Cape Town Agreement between fact-finding commission from India under GF Paddison & Pact Government under JBM Hertzog

- set up a voluntary subsidised emigration scheme for local Indians, (repatriation)

- recommended scrapping of Areas Reservation and Immigration and Registration (Further Provision) Bills

- India to appoint an agent in South Africa to establish better communication between the two countries

- SA government to improve general welfare of Indians

1. 1927 29 July The Immigration and Indian Relief (Further Provisions) Act - statutory confirmation of Cape Town agreement.

- limited right of holders of registration certificates to enter and leave Transvaal at will.

1. 1927 Appointment of first Indian Agent, Sir Strinivasa Sastri, representative of the British Colonial Government of India to mediate on its behalf with SA Government about conditions for Indians in South Africa

2. 1927 The Liquor Act - Africans and Indians denied employment by license holders - not allowed to serve liquor and

drive liquor vans. Denied access to licensed premises.

3. 1927 The Asiatics in the Northern Districts of Natal Act - stricter control over the registration of Indians and the issue of trading licences to them

4. 1927 The Nationality and Flag Act - denied Indians right to become naturalized as South African Nationals.

5. 1927 The Old Age Pensions Act - Indians denied benefits of pension

6. 1927 The women's Franchise Bill - no Indian woman to have the vote.

7. 1927 The riotous Assemblies Act - any Indians considered dangerous agitators subject to deportation.

8. 1929 Appointment of Sir Kurma Reddi as Indian Agent. - Indian agents ineffective in improving conditions for South African Indians.

9. 1930 The Industrial Conciliation Act.

10. 1930 South African Indian Congress adopts policy of non-cooperation with government but is inconsistent



11. 1931 The Asiatic Immigration Amendment Act - Indians had to prove legitimacy of their domicile in the country.

12. 1932 Cape Town Agreement - agreed to colonisation of Indians from India and South Africa - removal of Indians to other countries  
à  
split among Indians - Colonial-born Indian and Settlers' Association rival to South African Indian Congress.

13. 1932 The Transvaal Asiatic Land Tenure Amendment Act No 35

originally designed to segregate all Indians in the Transvaal within five years and force them to sell their businesses.

hundreds of Indians had set up businesses in various parts of the Witwatersrand goldfields

à proposals for non-violent action (Satyagraha) from Colonial Born Indian Association

Feetham Commission set up to determine number of people affected by this legislation

F. Under the United Party Government. JBM Hertzog Prime Minister.

1. 1934 The Transvaal Asiatic Land Tenure Amendment Act.  
2. 1934 The Slums Act - to improve conditions in locations à instead to expropriation of Indian property  
3. 1934 The Young Commission - colonization scheme for Indians - in British North Borneo, British New Guinea and British Guiana - to reduce numbers of Indians in South Africa - Indian Government rejected scheme.

4. 1935 The Transvaal Asiatic Land Tenure Amendment Act - made no significant

changes - more restrictions on rights of Indian limited companies.

5. 1935 The Rural Dealers Licensing Ordinance, Natal - refusal of licences to people whose properties had depreciated in value or whose licenses endangered the comfort and health of neighbours.

6. 1936 The Transvaal Asiatic Land Tenure Amendment Act - Indians to be confined to separate areas

Indian Consular agents granted ownership of land and exemptions from provisions of the Gold Law.

1. 1937 The Marketing and Unbeneficial Land Occupation Act - control of imports and exports into the country - Indian farming community adversely affected.

2. 1937 The Industrial Conciliation Amendment Act - introduced the colour bar in trade unions

3. 1937 The Immigration Amendment Act. Children born outside of South Africa deprived of rights enjoyed by of South African Indians.

4. 1937 The Transvaal Asiatic Land Tenure (Further Amendment Act) - segregation of Indians, Indians prohibited from employing whites.

5. 1938 Debates on mixed marriages and Indian acquisition of land outside designated areas.

Mixed marriages allowed Indians to obtain land in other areas through European and Malay wives.

Debates in Transvaal Indian Congress on cooperation and non-cooperation with government à split within the congress

-- two groups - the majority group led by SM Nana in favour of cooperation; this group consisted mainly of people established merchants with vested interests; the minority group becomes the Nationalist group opposed to cooperation - YM Dadoo leader of Nationalist group represented the poor and working class

G. Under the United Party Government - General Smuts Prime Minister.

1. 1939 The Asiatics (Transvaal Land and Trading) Act.

Gave protection to Indians in exempted areas for a another period of 2 years

Certificates for trading licences under authority of Minister of the Interior

Asians not allowed to appoint nominees to buy land and obtain trading licences on their behalf

1. 1940 Calls by the Nationalist groups of the Indian Congresses not to support the war effort  
Dadoo charged and fined - others leaders, HA Naidoo, CI Amra, RK Naidoo, KS Pillay, DA Seedat, CBI Dladla à Dr

arraigned for being present at a prohibited meeting.

Meanwhile the Natal Indian Congress and Natal Indian Association were representing the rights of Indians to retain ownership of property in white areas.

2. 1941. The Asiatics (Transvaal Land and Trading) Act.

3. 1943 The Trading and Occupation Land Bill. (The Pegging Act) restricted Indians from acquiring property in white areas for three years.

4. 1946 The Asiatic Land Tenure and Representation Act. (The Ghetto Act)

Indians restricted to living and trading in restricted area. Prevented from occupying property outside certain limited areas. Offered token parliamentary representation through white representatives

à Passive Resistance Campaign organised by South African Indian Congress.

