

Public (1896)

ORDINARY MS.

G.O., No. 503

Dated 1st May 1896

INDEXED.

[Despatch Abstract.]

INDIANS IN SOUTH AFRICA.

Recording copy of a memorial to the Government of India
made by certain---complaining of the disabilities to which they are
subjected by the Natal and other South African Governments.

PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
210	8896	80704	4-7-96				

When given for or
When naming.

the Right Honourable
Joseph Chamberlain
Mr. Herbert Principal
CHIEF SECRETARY
20 APR 1903
GENERAL SECRETARY

In the year 1903

PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

It shall be inserted in every school title applied for and issued in connection with any of these Regulations. That no person shall the owner of any or even in the Town and Township or elsewhere, be at liberty either to sell or let such sites or town or any portion thereof or to permit occupation of them, or any other part of them to any other person except those of European birth and descent and in the control of the holder or such site and contracting such conditions and stipulations and such other or even shall be to the Government in terms and manner laid in section 10 of the Act.

The next day after the publication of the Gazette containing the Township Regulations for memoranda shall be sent to the Crown Lands Office and the Township Office for the purpose of being published in the Township Office and the Township Office shall be responsible for the publication of the same.

In relation to the said Regulations, the Township Office shall be responsible for the publication of the same and the Township Office shall be responsible for the publication of the same.

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so, it seems strange that rules and regulations can be made for that country which are not permitted in Natal, a responsibly governed Colony?

So frequently do the colour distinctions creep in into the rules and Regulations, laws and by-laws published in various parts of South Africa, that it is impossible for the Indian community consisting as it does chiefly of traders and artisans with a knowledge of English sufficient only for the requirements of trade and in many cases even without it, to keep itself informed of all the legislation affecting its rights and bring it to the notice of Her Majesty's Government.

And things have come to such a pass that your memorialists cannot expect redress from the local authorities even in cases where the wrong complained of is a result of an oversight of the fundamental principles of the British constitution as in the present instance.

Your memorialists fear that if a Crown Colony can refuse property rights to a portion of Her Majesty's subjects, the Government of the South African Republic and the Orange Free State would in a great measure be justified in doing likewise or even going further.

Your memorialists submit that the existence of the colour distinction in the regulations for Echoes should not be a justification for similar regulations for Dondweri if those for Echoes are bad rather your memorialists submit should both be altered or amended so as not to affect the just rights of the British Indian Subjects.

Your memorialists further venture to draw your attention to the fact that constant class legislation affecting Her Majesty's Indian subjects not only causes a great deal of anxiety to the Indian community in South Africa but the petitions that have to be frequently made to have such legislation altered cause a great deal of expense to the Indian community. It is not means in an overprosperous condition ill afford to incur or to mention the fact that such a state of constant unrest and irritation seriously interfere with the business of the Indian community as a whole.

Nothing short of an enquiry into the position and state of affairs

British Indians in South Africa and a resolution calling
upon the authorities in South Africa to secure the equality of
treatment of the Natives with all the other
British Subjects with in your memorialists humble opinion
not the social and civil distinctions of the Natives loyal and
law-abiding Indian Subjects.

Your memorialists therefore humbly pray that
Her Majesty's Government in consideration and amendment of
Eschew and Mendon's Petition and Regulations as to the
the disabilities that they are at present subjected to in Her
Majesty's Indian Subjects and further humbly suggest that
orders may be issued for the future class legislation affecting them.

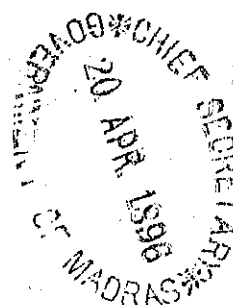
And for this act of justice and mercy your
Memorialists as in duty bound shall forever pray
Done at Natal in Natal 1901.

To

J. Y. Price Esq

C. E. S.

Madras.



Sir,

We the undersigned Indians representing the Indian community in South Africa hereby beg to tender our heartfelt thanks for the support you have extended to the cause of persecuted Indians in South Africa.

Seeing that the Parliament is now sitting, we venture to remind you of the various disabilities and grievances the Indians are labouring under in South Africa and bespeak the same amount of your attention that was given in the past.

NATAL.

It will be remembered that during the 2nd Session of the new Natal Parliament under Responsible Government the Franchise Law Amendment Bill was introduced and passed. Memorials against it were presented to both the Parliaments here as well as to the Home Government, copies of which were duly sent to you.

Telegrams and occasional paragraphs which now and then appear in the newspapers lead us to believe that the Bill will be disallowed. The newspapers here also give the information that a new Bill will be introduced during the next Session, which will replace the Bill under discussion.

Various meetings very sparsely attended have been held in the Colony where drastic resolutions were passed all condemning the Indian Franchise. It may be stated that the speakers although members of the Natal Parliament seem to have made their speeches without understanding the real position. They almost invariably informed their hearers that the Indians were trying to get a new privilege i. e. the Franchise, while the real fact is that the Indians are already entitled to the Franchise in Natal under the same conditions as the European British subjects and that the Responsible Ministry are now attempting to deprive the Indians of the Franchise which attempt the Indians are resisting. The distinction is cardinal. We cannot suppose that such a misstatement is deliberate we therefore ascribe it to imperfect information.

The tone of the speeches made would show how bitter the feeling is and how helpless the Indians would be if they had not friends in England and India and if the Home Government did not intervene. We venture to cull a few of the passages from the various speeches which represent the true feeling of the leaders of opinion in Natal. The meetings were so meagrely attended that we do not believe that the feeling of the ordinary colonists is so bitter towards the Indians. The pity is they are without any voice, because the political life in Natal as indeed in South Africa is not particularly active. The people are so indifferent.

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Mr. Maydon who is called the coming politician and is an influential member of the community and an influential member of the Legislative Assembly declared as follows, at the meeting held in Bellair, on the 25th November, 1895.

"No wonder the Indian Franchise question raised in every Natal Colonist the very deepest feelings Britain was peopled by a race which was certainly superior to the Indian of to-day. He might go so far as to say England was peopled a hundred years ago with a race infinitely superior to the very highest type of Indian to-day, (hear hear). England was peopled 500 years ago by a race in advance of the Indians who lived in Natal at the present time, (hear hear). The Indian claimed the Franchise simply because the sceptre of England has been wafted over India The Reform Bill he said wrecked an English Government only thirty years ago and yet it was now sought to confer on the Indian (the Italics are ours) those privileges which were considered too great for the British people, but thirty years ago. This privilege was asked for Indians without education, many of them (who would be qualified by concessions not theirs by right) full of ignorance, and with no sense of cleanliness and respectability. On what grounds did the Indians claim the franchise? Was it from their innate fitness? He thought not. The records of their country went to show that the Indian was not born to rule and govern. The record of their country from the earliest period of its history had been a record of servitude. Mr. Maydon then illustrated this by events ranging in date from B.C. 27 to the present day. He pointed out how Alexander the Great and other invaders marched through India conquering everything before them, absolutely without resistance, their advance constituting rather marches of triumphal progress. The Indian, he said, had always been ready to be subservient to strangers, especially providing the latter offered the inducement of some brief authority. The Indian Mutiny was the only time that Indians showed any degree of resistance. He did not think this race the sort of people to be trusted with any form of government. Mr. Maydon disclaimed the slightest prejudice to any Indian individually, but remarked that he would not feel highly flattered were he to occupy a seat on the same bench as Indians, even though they were of the highest caste (hear, hear). . . . He believed the Indian Franchise question was not now involved in utter darkness in England. The Home authorities he thought too fully recognised the importance of the grand scheme of federation of South Africa to jeopardise its success by placing a spoke in the wheels at the very start by giving franchise to the Indians (hear, hear). People in England anxious for federation would not adopt a course which would render federation in South Africa an impossibility for generations. Suppose Downing Street refused to deny the franchise to the Indian (which he thoroughly believed impossible) what would happen? The Government would say to Downing Street at once—we were entrusted with Responsible Government in Natal under certain circumstances. These have now become absolutely changed, brought about by your refusal to sanction our Bill. You have brought about a condition of things that is so fraught with danger that it is our clear duty to hand back to you the authority you gave to us (applause.) Mr. Maydon believed the Cabinet could consider no other course, and assured the meeting that the Government had already considered this phase of the question (hear, hear). Further, in handing back that power of self-government the Cabinet might conscientiously say, and we return our authority and intimate that no other five Europeans in the Colony will be found ready to sacrifice their conscience, and to act as our successors in office (applause.) — *The Natal Mercury*, 27/11/95."

Even a leading newspaper, *The Natal Witness*, which is as a rule, hostile to the Indian cause laughed at these threats. We need hardly repeat that the Indians were as fully entitled to the franchise as the Europeans at the time the Responsible Government was granted, and that the Indian vote was gladly canvassed on the occasion.

The Constitution Act expressly prevents the Responsible Government from entering upon class legislation without the sanction of the Home Government. Thus it is the Responsible Government that is trying to alter the conditions on which that Government was granted. In the face of such facts, we cannot but remark, that Mr. Maydon took full advantage of the gullibility of his hearers.

The Honble Mr. Stainbank, the Speaker of the Legislative Assembly, at the same meeting—"Considered it most unjust to natives of Natal, some of whom were far superior to the Indians, except a few Arabs in general capacity, &c., that they should not be allowed to vote whilst the Indians of any class enjoyed the franchise."

Yet the fact is that the Indians referred to by the Hon'ble speaker are the mainstay of the Colony, whose children successfully compete with Europeans in the schools, and as clerks in various departments, and who were specially introduced when the natives were found wanting "in general capacity, &c.," to develop the resources of the Colony. Furthermore, the franchise of the natives is governed by a special law passed in their behalf.

Ultimately the following resolution, which is contrary to all facts, was proposed by Mr. Palmer, who was a candidate for parliamentary honours at the last election, and carried—"That in the opinion of this meeting it is neither desirable nor expedient to extend the franchise to Indian residents, or in this respect to grant them greater rights than they enjoyed in their native country, and it is further the opinion of this meeting that such if granted, would seriously jeopardise the interests of the native population, and otherwise be detrimental to the Colony and to South Africa generally. This meeting therefore respectfully requests the Members of the Legislative Assembly, representing this county to do all in their power to prevent the franchise being granted to Indians."

The above resolution brought the following sharp rebuke from the *Natal Witness* :—

"It is astonishing, however, how misinformed people are upon this subject, even those who would be expected to know all about it. Mr. William Palmer seems to think that the contest is over a proposal to give the franchise to Indians and that they have not got it now He should know too that the Hindoo is entitled to a vote on equal terms with himself and he ought to be aware that the discontent has arisen because a bill has been introduced to disfranchise the Indian, which it is considered the Government is not pressing as it promised to do and as it ought. Mr. Palmer cannot be playing a practical joke upon the public."

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Although this meeting was advertised in all the newspapers, although special trains were run to Bellair and although Bellair is supposed to be the centre of politics, and although the meeting was to be addressed by some of the most active influential M.L.A.'s., it was attended by only 50 persons as reported in the papers. We have ventured to remark at length on this meeting, as it was semi-official and as it was specially called to strengthen the hands of the Government and to produce effect in England.

At a meeting held under the auspices of the Mooi River Farmers' Association, Mr. Richards said "the Indian Franchise question admitted of no discussion whatever. It was a question to which there were and could be no two sides. He took it that every man in Natal who had the true welfare of the Colony at heart was determined that the Indians should never have the right to exercise the franchise equally with himself. In certain quarters it was contended that the franchise should be extended to the Indians of a superior class. He submitted that no more dangerous concession could be made. He would sooner see 50 ordinary Samnues (meaning ordinary Indians contemptuously) enfranchised any day."

In spite however of the bitter speeches made, we are glad to be able to inform you that the newspapers seem to be gradually veering round. They have begun to think that the present bill awaiting, we hope, the royal veto, being entirely inconsistent with the proclamation of 1858 is useless. For this change of feeling however small we know we have to thank you and others who have been good enough to champion our cause.

30. 8/19
11.10.95

We do not yet know the fate of the Immigration Law Amendment Bill copies of petition against which we had the honour to send you. There is very little said about it in the newspapers here. We have however taken it for granted that a bill so manifestly unjust, so severely condemned in the *London Times* and all other newspapers will never be sanctioned by the Home Government. A question however in the House of Commons may in our humble opinion remove all doubt about it.

There are matters in Natal about which we are very anxious to enlist your active sympathy. But knowing that other matters engage your attention and we have to encroach upon your attention with regard to fresh legislation affecting for the worse, the position of the Indian community, we refrain from touching them for the present.

THE SOUTH AFRICAN REPUBLIC.

The award of the Chief Justice of the Orange Free State about the position of the Indians having been accepted by Her Majesty's Government, the position remains unchanged. The consequence is that the Indian Storekeepers in the Transvaal have to remain in a state of perpetual anxiety, a state that cannot, but seriously hamper Indian trade and Indian enterprise. Our only hope now lies in the promised representations by the Right Honourable the Secretary of State for the Colonies. And its fulfilment will depend upon your further representations to him and further active aid through the newspapers, that have viewed our grievances with sympathy.

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He shall also keep a list of the names of those to whom permission shall be granted in terms of this chapter.

5. The State President shall be free according to the state of things to grant or refuse the aforesaid application or appoint a commission to enquire into the same, which commission shall consist of the Landdrost of the District and two persons to be appointed by the State President.

6. This commission shall be bound to inquire into the same as speedily as possible and report immediately to the State President, who shall then decide.

7. No coloured person, as mentioned in the foregoing clauses, or his assigns shall have the right under any circumstances to get registered in his name any fixed property in this State.

8. To no coloured person as mentioned in the foregoing clauses shall under any circumstances permission be given by the State President to establish himself in this State for the purpose of carrying on a mercantile or farming business whether direct or indirect.

And every applicant before he can obtain permission to fix his abode in this State shall first make and sign an affidavit before the Landdrost before whom he makes application wherein he declares that he will not carry on directly or indirectly, any mercantile or farming business in this State.

And every such coloured person who carries on any other business or trade than that for which he has obtained permission shall be liable to a fine or punishment fixed in the following clause.

9. Any coloured person as mentioned in foregoing clauses, who has fixed his abode in this State without having obtained the requisite permission or who may be found in this State contrary to the provisions of this law shall be liable for the first contravention to a fine not exceeding twenty-five pounds sterling or in default of payment to imprisonment with or without hard labour for a period not exceeding three months, and for following contraventions the fine and punishment will everytime be doubled. All contraventions of this law shall fall under the jurisdiction of the Landdrost court.

10. To every coloured person, as herein before mentioned finding himself within the confines of this State when this law came into force a period of twelve months ending on the eleventh day of September 1891, was granted in which he in accordance with clause 2 must go to the Landdrost, if he after the expiration of the aforesaid twelve months still be found in this State without having obtained the requisite permission he shall be liable to the penalties mentioned in the foregoing clause 9; coloured people mentioned under clause 1, of this chapter who shall already have been admitted under the provisions of former laws existing in this State retain all the rights granted to them under those laws.

11. In all legal investigations against any coloured person as aforesaid for contravention of the provisions of this chapter such coloured person shall be considered to have no permission from the State President unless he shall at hearing of the case exhibit such permission or otherwise produce sufficient proofs that he obtained proper permission.

12. Nothing in this chapter contained shall be considered as valid against the residents of the Cape Colony known under the name of Malays.

The public
has now assumed an additional
extension. We who live in Natal
Transvaal. Those who travel 1st and 2nd
after they leave Charlestown. Instances of indignity occur
One of the signatories to this happened to go to Johannesburg. He received a
first class ticket as far as Standerton and yet was forcibly removed at Volksrust,
and had to wait for the mixed train, as the mail train has no third class carriages
attached to them. Thus it causes not only hardship, but sensibly interferes with
trade.

The law dealing with this matter is as follows:—

Art. 25, 10th January, 1893, Section 38.—“In ordinary passenger trains
there are at least two classes for whites and at least one separate class for black.”

“It is not permitted to natives and other coloured people to travel in the
carriages intended for whites.”

There are other restrictive laws with reference to the gold digging and
game which for the present we refrain from quoting, lest we should over burden
these notes.

SCHEDULE A.

District

- A. Name of applicant.....
- B. Birthplace.....
- C. Age.....
- D. Nationality.....
- E. Last residence.....
- F. How long resident there.....
- G. Name of last Master.....
- H. Work done under him.....
- I. Work that he wishes to do in this State.....

Signature of Person.....

Before me.....

at..... the..... 18.....

SCHEDULE B.

I..... temporarily at..... declare

under oath that I intend to fix my abode in the Orange Free State

as....., and that I shall not

carry on or cause to be carried on directly or indirectly, any mercantile or

farming business in this State.

Sworn at..... on the.....

Before me.....

Landdrost at.....

CHAPTER LXXI.

Poll tax on coloured people outside public mines.

Art. 1.—A Poll tax shall be levied on every coloured person of the male sex between the ages of eighteen and seventy years residing or sojourning within this state of 10/- per annum.

* * * * *

Art. 22.—For the purposes of this law Arabian, Chinese, and Coolie inhabitants shall also be considered as coloured people.

* * * * *

While these notes were in type this week's mail was received, and we naturally read the Times Article on the Indian Franchise in Natal with interest and gratitude. And we began to think that our troubles were nearing their end. But we were soon undeceived, for this week's *Natal Government Gazette* made it clear that our fond hopes were but idle dreams.

Nondweni, in Zululand has been proclaimed a township, and rules, and regulations for the disposal of erven in the township have been published in the Gazette dated the 25th February, 1896.

Among these rules appear the following rules:—

Part of Section 4,—“Persons of European birth or descent intending to bid any such sale (*i. e.*, sale of erven) must give notice in writing at least twenty days prior to the date fixed for the sale to the Secretary for Zululand, &c.”

Part of Section 18,—“Only persons of European birth or descent shall unapproved of as occupiers of erven or sites. On failure of compliance with this condition any such sites or erven shall revert to the Government, as in the preceding section hereof.”

Part of Section 20,—“It shall be a distinct condition, subject to which the erven or sites are sold, and which condition shall be inserted in every freehold title applied for, and issued in terms of sections 10, 11 and 13 of these Regulations, that at no time shall the owner of sites or erven in the Nondweni Township bought hereunder, be at liberty either to sell or let such sites or erven or any portion thereof or to permit occupation of them, or any portion thereof free of rent to any other persons except those of European birth and descent and in the event of the holder of such title deed contravening such conditions and stipulations any such sites or erven shall revert to the Government in terms and manner stated in section 17 hereof.”

These sections speak for themselves. They are directly aimed at British Indians. We have lost no time in petitioning the Governor of Zululand on the matter. And should the rules be not altered, we shall petition the Home Government in due course. It will be noticed that the rules imitate the Transvaal policy with regard to the Indians.

Hoping that your active support will be continued.

We beg, to remain,

Sir,

Your obedient servants,

Durban,

24th February, 1896.

ABDUL KARIM HAJI ADAM
(DADA ANDOOLLA & Co.)

ABDUL KADIR
(MAHOMED CASSIM CUMROODEEN)

MOOSA HAJEE CASSIM

TAYOB HAJEE KHAN MAHOMED
(Pretoria)

ABDULGANI (M. C. CUMROODEEN),
Johannesburg.

P. DOWJI MAHOMED

HOUSEN CASSIM

DOWD MAHOMED

ADAMJI MIANKHAN

PARSEE RUSTOMJEE

PETRUM MAHOMED

A. C. PILLAY

EBRAHIM N. KHATRI

A. M. TILLY

OSMANKHAN RAHMATKHAN

NARAYAN PATHER

O. ARMOOGAM

MOOSA HAJEE ADAM

HASSIM JOOMA

HOUSEN MEERUN

AMOD JEEWA

D. M. TIMOL

TELUCKSING

DHANJISHA

MANIKERJI

N. S. JOSHI

G. H. SING

JOSEPH ROYEPPEN

LAZARUS GABRIEL

J. L. ROBERTS

V. LAWRENCE

K. S. PILLAY

ABDUL HAK SAHIB

MUNSHI A. MOGRARIA

A. M. PARUK

SULIMAN DOWJI

RUNGASAMY PADYACHI

CHITNAVIS

SHAIKH FARRID

G. A. BASSA

M. A. BASSA

CASSIMJEE AMOOJEE.

M. E. HAFEJI

AHMED H. SARAN

SULIMAN IBRAHIM PATEL

CUMROODEEN

1399

DEPARTMENT.

Note for the C.S.

from

Certain Indian
in S. Africa

This seems to be a true
copy of a representation
made to the Govt of India,
& may be

Order No. 503 dated 1st May '96

Recorded in continuation

of P.O. No 849 dated
11th October 1895.

27/4/96.

30/4/96

No.

Dated 24 Feb. '96

Received 20 } Apr. '96

Registered 21 }

Enclosures 1

SUBJECT.

Regarding the disabilities and
privileges under which Indian
labour in S. Africa, and
requesting support.

S.A.

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Note
It does not seem
to contain any new
information to the
Govt. of India.
which is the
main point of
the matter.
30/4/96

When for copying

When copied

When received

When signed

189

RECEIVED AGAIN G.O., No.

189

DATED

CURRENT No.

ENCLOSURE TO G. No.

ORDER OF GOVERNMENT

MINISTER OF GOVERNMENT

STATEMENT WITH DETAIL

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IN ORIGINAL

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