The Group Areas Act and Its Effects

### The Group Areas Act and Its Effects

<table>
<thead>
<tr>
<th>Alternative title</th>
<th>Notes and Documents - United Nations Centre Against Apartheid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Author/Creator</td>
<td>United Nations Centre against Apartheid; Higgs, Barry</td>
</tr>
<tr>
<td>Publisher</td>
<td>Department of Political and Security Council Affairs</td>
</tr>
<tr>
<td>Date</td>
<td>1971-00-00</td>
</tr>
<tr>
<td>Resource type</td>
<td>Reports</td>
</tr>
<tr>
<td>Language</td>
<td>English</td>
</tr>
<tr>
<td>Subject</td>
<td></td>
</tr>
<tr>
<td>Coverage (spatial)</td>
<td>South Africa</td>
</tr>
<tr>
<td>Coverage (temporal)</td>
<td>1971</td>
</tr>
<tr>
<td>Source</td>
<td>Northwestern University Libraries</td>
</tr>
<tr>
<td>Description</td>
<td>INTRODUCTION. CREATION OF RACE GROUPS. UPROOTING OF SETTLED COMMUNITIES. DISCRIMINATION AGAINST NON-WHITES. LOSS OF RIGHTS TO LAND. LOSS OF ASSETS, MARKETS AND LIVELIHOOD. PROFITEERING BY WHITES. IMPOVERISHMENT OF NON-WHITES. LACK OF FACILITIES IN NON-WHITE AREAS. OVERCROWDING. CREATION OF LABOUR POOLS. PEGGING OF FUTURE DEVELOPMENT. RESISTANCE TO THE ACT. ANNEX: EXTRACTS FROM THE STATEMENT MADE BY THE LATE MR. NASA SITA AT HIS TRIAL UNDER THE GROUP AREAS ACT IN THE MAGISTRATES COURT IN PRETORIA ON AUGUST 17, 1967.</td>
</tr>
<tr>
<td>Format extent (length/size)</td>
<td>29 page(s)</td>
</tr>
</tbody>
</table>

THE GROUP AREAS ACT AND ITS EFFECTS

by

Mr. Barry Higgs

NOTE: The Group Areas Act (No. 41 of 1950), described as one of the four pillars of apartheid, was originally enacted by the South African Government in 1950 and was consolidated in 1966 by Act No. 36 of 1966. The Act which enforces residential segregation in the cities and towns of South Africa was specifically condemned by the United Nations General Assembly. Under the Act, numerous settled communities, comprising a million persons, have been forcibly displaced. The implementation of this measure has caused untold suffering, especially to the Coloured and Indian communities, who were subjected to indignities and dispossession such as that which the African majority has suffered under various laws for many decades.

This paper has been prepared for the Unit by Mr. Barry Higgs, a South African journalist in exile.

*All material in these notes and documents may be freely reprinted. Acknowledgement, together with a copy of the publication containing the reprint, would be appreciated.

CONTENTS

Page
INTRODUCTION 1
I. CREATION OF RACE GROUPS 5
II. UPROOTING OF SETTLED COMMUNITIES 6
III. DISCRIMINATION AGAINST NON-WHITES 8
IV. LOSS OF RIGHTS TO LAND 10
V. LOSS OF ASSETS, iiAPI-TS AND LIVELIHOOD 11
VI. PROFITEERING BY WHITES 13
VII. POVERTY IN NON-WHITE AREAS 14
VIII. LACK OF FACILITIES IN NON-WHITE AREAS 15
IX. OVERCROWDING 18
X. CREATION OF LABOUR POOLS 20
XI. PEGGING OF FUTURE DEVELOPMENT 21
INTRODUCTION
Dr. Malan, then Prime Minister of South Africa, declared during the introduction of the Group Areas Bill in Parliament in 1950, that the Government regarded it as the most important of all apartheid measures. "What we have in this Bill before us," he said "is apartheid. It is the essence of the apartheid policy which is embodied in this Bill."

The Group Areas Act has been called one of the four pillars of apartheid, along with the Prohibition of Mixed Marriages Act, the Immorality Amendment Act, and the Population Registration Act.

The preamble of the 1966 Group Areas Act explains that it was enacted "to provide for the establishment of group areas, for the control of the acquisition of immovable property and the occupation of land and premises, and for matters incidental thereto." Mr. Alan Paton, in a booklet entitled The People Wept, described its object as follows:

"The ultimate theoretical goal of the Group Areas Act will be, for example, to place me, a white town-dweller, in a white urban group area, where all owners and occupiers will be white persons... where the only non-white persons who may enter will be servants and workers.

"Similarly, Mr. X, an African town-dweller, will find himself in a black urban group area, where in the first place no black person will be able to own land at all, where for the most part all houses will be owned by official bodies such as (white) municipalities, and where the inhabitants are subject to a host of regulations some of which are quite totalitarian in character... where the only white persons who may enter will be policemen, inspectors or officials, or persons who have obtained permits."

Mr. Paton's statement might suggest at first reading that whites are to be moved about as much as any other group in terms of the Act. Experience has shown, however, that in fact whites have hardly been affected at all. For the Act does not aim merely at the physical separation of the races, but at the dispossession of non-whites, especially the Indian and Coloured people in this case. As Sechaba (Vol. 2, No. 4) observed:

"The African people had faced cataclysmic upheavals with the introduction of the Land Act in 1913, and later in the urban areas faced the loss of homes and lands they had lived in for generations. Now the Coloured and Indian people as well, joined the ranks of the dispospossed 15 million human beings moved around like pawns on a chess board, in a game played to preserve the white minority's
privileges."

-2-
Invariably, the central areas of cities and the best suburbs are reserved for white occupation, with separate African, Coloured and Indian areas located at some distance from them. The non-whites are required to commute to the city to work during the day and be out of sight at night.
It has often noted that the complexities of the Group Areas Act defy explanation. It may therefore be best explained in terms of its effects, for, it is the extent to which the power of the law is utilised which determines its meaning. However, a brief summary of some of its provisions follows. 1/
The groups defined in section 2 of the original Act are the White, the "Native" and the Coloured groups.
By Proclamation No. 73 of March 30, 1951, three new groups were created as sub-divisions of the Coloured group, namely the Indian, the Chinese and the Nalay.
The power to establish "group areas" is vested in the Minister of the Interior, advised and assisted by the Group Areas Board which is composed of not more than seven members appointed by the Minister of the Interior. There is no obligation upon the Government to introduce any form of self-government in these areas but the Minister may establish a governing body for any non-white group area. This governing body may consist wholly or mainly of members of the group for which the group area has been established and shall have such powers as may be prescribed by regulation.
Where a group area is wholly or partly within the area of jurisdiction of a local authority (white), it is provided that the governing body shall exercise its powers and functions subject to the supervision of the local authority. The local authority will continue to exercise such powers and functions as are not vested in the governing body of the group area.
The proclamation of a "controlled area" represents the first step by which the acquisition, holding and occupation of property by members of different racial groups is placed under official control. Within a controlled area, no person without a permit may enter into any agreement which would enable a disqualified person or disqualified company to acquire any immovable property. 2/ The Act also lays down that no one may hold property on behalf
1/ The following summary refers mainly to the original Act. Amendments are referred to in the appropriate sections of this paper wherever they have noticeably influenced the effects of the legislation.
2/ A disqualified person in this case means a person not of the same race group as the owner of the property, and a disqualified company means a company in which a controlling interest is held, or deemed to be held, by a disqualified person, or on behalf of such a person.

-3-
of anyone who may not lawfully own it. Sub-Section 10(l) of the Act stipulates:
"No disqualified person shall occupy... any land or
Controlled areas include "specified areas", but specified areas differ from controlled areas in important respects. Whereas in a controlled area, for instance, it is the group of the owner which restricts occupation, in a specified area it is the group of the occupier which is used as the basis for controlling occupation. Thus if an Indian-owned block of flats is at present occupied by whites, the latter must continue to occupy the flats unless the owner acquires a permit authorising occupation by members of non-white groups.

Section 13 of the Act provides for the control of the occupation of buildings erected, completed or altered after the date specified in the proclamation and also of buildings and land which were unoccupied or unlawfully occupied at that date. It further provides for such property to be deemed to have been occupied by a particular group at the specified date.

Within "specified areas", the Governor-General may by proclamation "define" areas in which the minister must determine the group of the occupier of a new building or of unoccupied, or unlawfully occupied, land and premises at the specified date. Until the minister, acting on the advice of his Board, has made his determination, such property is deemed to have been unoccupied at the specified date.

Proclamations of "controlled", "specified" and "defined" areas are regarded officially as being interim measures "which should, in the course of time, lead up to the proclamation of group areas". There are, however, two types of group areas other than the so-called "full group areas", namely group areas for ownership only and group areas for occupation only.

From a date given in the proclamation of a group area, no disqualified person (one who is not of the group for which the area is proclaimed) may occupy any land or premises without a permit. Further, no disqualified company and no disqualified person may acquire immovable property in the Irong" area, except by permit.

Disqualified persons who own property in group areas to which the ownership restrictions apply may retain ownership of their property for as long as they live, but may not occupy their own land and premises unless, once again, they secure a permit. Disqualified persons are also prohibited from bequeathing their property to other disqualified persons such as sons and daughters.

Trading licences of persons in the wrong group areas are invalid, and if at any time the actual control of a business is in the hands of such persons, the licences lapse.

If immovable property is acquired or held in the wrong group area, or used contrary to any condition stipulated in the permit, the Minister has the power to have the property sold after notice. The proceeds of the sale are then disposed of in a manner prescribed within the Act.

Section 40 of the Act stipulates:

"No person shall acquire or hold on behalf or in the interest of any other person any immovable property which such other person may not lawfully acquire or hold in terms
of this Act."
Contravention of this section renders a person liable to a fine not exceeding R400 (:1560) or to imprisonment for two years or both.
Where persons contravene restrictions on occupation in group, controlled and specified areas, the court must order the disqualified persons to vacate the land or premises by a certain date, failing which further penalties may be incurred including a fine of $14 per day of further contravention.

- 5 -
I. CREATION OF RACE GROUPS
One of the most significant features of the Group Areas Act has been its creation of six racial groups": White, 'Native' (now termed "Bantu"), Coloureds.,_J Indian, Malay and Chinese. All these "groups" have to a greater or lesser extent been affected by the Group Areas Act, but the effect on white communities has been negligible.
The most seriously affected in terms of overall legislation bringing about segregation has been the African majority. It is, however, subjected to other Acts as the Government insists that urban Africans are mere "temporary sojourners" in the cities and townships of white South Africa.
While the Group Areas Amendment Act of 1966 makes it clear that the Minister of Planning is responsible for whites, Coloured people and Asians only, the African areas ("reserves") are the responsibility of the Minister of Bantu Administration and Development.
African townships lying outside the white areas constitute by their very existence group areas and are often affected by group areas legislation. Thus, for example, tens of thousands of Africans in Sophiato-m were forced to move out when the area was declared for white occupation only. Similarly, Newclare was declared a group area for the occupation of Coloured people in August 1958; by the end of 1959 most Africans formerly living in Newclare had been forced to move to Meadowlands or Diepkloof. This involved razing of their homes, and arrests of Africans who resisted the move.
The larger questions of Dantustans and laws affecting the African majority, are covered in other papers. This paper is concerned mainly with the upheavals suffered by Coloured and Indian communities under the Group Areas Act, which was designed to force these "groups" into the same rightless orbit as the African majority. Cases concerning African communities are referred to only when they were affected by the implementation of this Act.
/ Coloureds refer to persons of mixed descent..

- 6 -
II. UPROOTING OF SETTLED COMMUNITIES
According to Government statistics, at the end of 1969, about 107,000 families of the White, coloured and Indian communities alone had been disqualified" to remain in their homes. Itithin the Coloured and Indian communities, who number lapproximately 2.5 million4 about 106,000 families were forced to move
14r. Eric Winchester, a United Party Member of Parliament who made
a detailed study of the matter, estimated in 1969 that more than a million South
Africans of all races, including half the entire Indian population, had been ordered
from their homes in terms of group areas legislation 5/. According to a Eand D
aily Mail report in 1968, only 7.5 per cent of all Indians and Coloured people in
the Transvaal province had not been affected by the Group Areas Act.
Mr. Alex La Guma, the South African author, wrote in 1967:
"In 1965, the whole of the central area of Cape Town,
where non-whites have lived for centuries, and where a large number have
businesses, was declared for Whites only. From one district - District Six - more
than 60,000 people are to be moved. Statistics show that over 100,000 non-
whites in Cape Town will be affected by group areas proclamations. In
Port Elizabeth where the second largest concentration of Coloured people live, the situation is the same... Houses, schools, churches, mosques, human beings suffer equally: the
Christian Council of South Africa estimates that at least £3 million is required to build new churches to serve
communities moved under the group areas proclamations." 6/
In 1968 the Most Reverend Robert Selby-Taylor, Anglican Archbishop
of Cape Town, protested against what he termed the "callous indifference" to
human interests shown by the Simonstown group areas proclamation, and
extended his sympathy to the 4,000 Coloured people "who are to be uprooted
from their homes, which in many cases have been in the possession of their
families for many generations".
The South African press reports innumerable examples of this "callous
indifference" of the Government, of which the following is illustrative:
"The order was simple: Get out of your house, we are going
to break it down. So the people of Georgedale carried their
furniture into the veld and Government bulldozers flattened their
mud houses.
)J see Section IV.
51 Sunday T24 es, Johannesburg, December 14, 1969. 6/ SechabAa, London,
April 1967.

"Some were lucky and had six days' notice. Others
were called out of their dwellings and told there and then... Others had no warning
at all. They came home to piles of rubble...
"Georgedale, near Hammarsdale's giant industrial area, is home for about 1,000
Zulus, Pondos, 'Uhosas and B sotho. Some work in factories, others for a
construction company building Mpumalanga Township across the valley. The
Township... will eventually house 100,000 Africans in 'housing units' built on
3,000 acres.
"But the Township is for Zulus only. The non-Zulus working on it cannot live in
it. They are squatters, says the Chief Bantu Affairs Commissioner for Port Natal,
1r. A.L. Scaffer... .hile the
squatters maintain the maximum notice of demolition given was six days in most
cases, Mr. Scaffer says: 'They were first warned in 1967 and were given notice
again several times. They were all given a final warning in February'. 7/
7/ Rand Daily hail, April 20, 1970.

- 8 -

III. DISCrjIIINATION AGAINST NON-WHITES
The operation of the Group Areas Act has been effectively utilized to discriminate
against and dispossess non-whites. The facts dispel any notion that the Act would
require equivalent sacrifices from the white sector.
The Council of the South African Institute of Pace Relations expressed its dismay
in January 1959 at the terms of recent group areas proclamations for towns such
as Pretoria, Durban, Cape Town, Ermelo, White River, Iaerkspomp and
Alexandria. "These", it said, "like earlier proclamations for other towns, impose
a grossly disproportionate burden of sacrifice on the nonwhite communities."
Noting the enforced removal of traders to areas remote from customers without
any compensation for loss of goodwill, the Council said:
"This glaring departure from a basic principle ...is all
the more serious in view of the recent admission by the
Chairman of the Group Areas Board that the Board considers that one of its
duties...is to seek to curtail the number of Indian
traders on the grounds that Indians have at present 'too large a
share of trade'."
Analyzing the effects of Proclamation 157 of July 31, 1959, which
declared group areas in Kimberley, the Institute calculated the proportions of the
groups affected as follows:

<table>
<thead>
<tr>
<th>Group</th>
<th>Population affected</th>
<th>affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whites</td>
<td>25,000</td>
<td>2</td>
</tr>
<tr>
<td>Coloured people</td>
<td>18,000</td>
<td>50</td>
</tr>
<tr>
<td>Indians</td>
<td>1,250</td>
<td>100</td>
</tr>
<tr>
<td>Chinese</td>
<td>200</td>
<td>100</td>
</tr>
</tbody>
</table>

In addition, most of the community amenities hitherto shared by the Coloured
people and Indians became now situated in areas zoned for the whites.
A nation-wide picture was provided by the Minister of Community Development,
who told Parliament on February 7, 1969 that the number of families disqualified
to remain in their homes as a result of the
proclamation of group areas up to September 30, 1968 was as follows: 656 White
families
784 Chinese families
35,172 Indian families
58,999 Coloured families
81 House of Assembly Debates (Hansard), February 7, 1969, cols. 303, 32.2

- 9 -
Taking the total population of each group into account, the number of families forced to move, per 10,000 of population of each group, was as follows:

Hites Coloured people Indians
2 families 509 families 613 families

The statistics of families actually "re-settled" in 1969 alone 9/, as indicated in the report of the Secretary for Community Development, show that the number of families, per 100,000 of population, re-settled in that year was as follows:

Whites Coloured people InCians
1.25 families 425 families 400 families

"and Daily hail, September 24, 1970.

- 10 -

IV. LOSS OF LIGHTS TO LAND

One of the effects of the group areas legislation is the abrogation of limited freehold rights previously enjoyed by Africans in some parts of the country, in accordance with the theory that the African lives only temporarily in urban areas. The freeholders who were forced to move were not offered a reasonable opportunity of acquiring alternative land in freehold title. The Johannesburg World of June 20, 1959, reporting on people displaced in Pretoria, said that persons of the Sotho group were permitted to buy land only at Uitvaal, about 20 miles outside of the city, while other Africans were offered plots in rural villages in their "own tribal areas", hundreds of miles away.

Those who defied the Board by refusing to sell their properties have been dealt with similarly. The BandDaily_ail" of Ju.y 3, 1959 reported that two Sophiatowm men, Iiessrs. J. and I.Sithole, had refused to sell their properties to the Group Areas Board at the prices offered. The Board then decided on expropriation. But even before these proceedings had been completed, the Board sent wormien to eject the owners and demolish their houses. The Sitholes hurriedly applied for, and Were granted, a rule nisi interdicting the Board from proceeding, and were able to save part of their buildings 10/.

10/ A court later confirmed their position and ordered the Board to pay costs

- 11 -

V. LOSS OF ASSETS, A FKETS AND LIVELIHOOD

In calculating the "basic value" of immovable property to be bought or expropriated, the Group Areas Board, until 1959, took into account the value of land as well as the value of buildings on the land. However, in terms of the Group Areas Development Amendment Act of 1959, it was laid down that with the exception of buildings used exclusively for educational or religious purposes, the basic value of a building must not exceed the difference between the market value of the building as an integral part of the land, and the market value the land would have had if the buildings had not existed.

The inister of the Interior explained in Parliament that it could
happen that a building was valueless to the Development Board and would have to be demolished. In such a case, the "basic value" fixed for the property would in future be the market value of the land only. The value of the building would not be included in it.

As a result of this amendment to the Act, the non-white owners received even less adequate compensation than before. The Board was now free to decide that buildings previously occupied by non-whites were unsuitable for whites and must be demolished. Even buildings that were of good quality would be too close together in non-white areas to meet the requirements for white suburbs. Thus in addition to losing their buildings, shops and assets, Indian traders also lost their markets. In Sophiatown, for instance, 200 Indian traders were forced to move. The Transvaal Indian Congress estimated in 1963 that:

(a) fixed properties worth $1,750,000 had to be sold for less than half their value;
(b) $3,220,000 was lost on stock;
(c) $1,764,000 was lost on book debts and loss of goodwill.

At the same time their markets, and their livelihood, were removed at a stroke.

The Transvaal Indian Congress also quoted the example of Martindale where, in 1956, there were 70 Indian traders with 500 persons dependent on them for a livelihood. As a result of expropriation, 31 of these traders were forced to leave. They had owned stock and fittings of between 3,000 and 14,000 in value. By 1963 the fate of these 31 traders was as follows:

<table>
<thead>
<tr>
<th>Status</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>In trade</td>
<td>7</td>
</tr>
<tr>
<td>Employed</td>
<td>12</td>
</tr>
<tr>
<td>Unemployed</td>
<td>11</td>
</tr>
<tr>
<td>Deceased</td>
<td>1</td>
</tr>
</tbody>
</table>

The uprooting of traders has had, and continues to have, a catastrophic effect on the Indian community as a large section of this community is dependent on its merchant class. The census figures for 1952 showed, for example, that the working Indian population of the Transvaal province consisted of 317 professionals and self-employed workers, 3,204 traders and 4,492 employees. Since a high proportion of the third category worked for the Indian traders, and as trading licences were revoked under the Group Areas Act and related laws, the capacity of the merchant class to provide employment for a substantial portion of the community has constantly diminished.

It should not be imagined that these traders formed an "unnecessary" sector of any evolving or evolved urban complex. The example may be cited of Ladysmith where the group areas proclamation of 1962 involved the eventual removal of all Indian businesses from the main shopping area. The Indians at that time held about half the trading licences in the town. African Institute of Race Relations reported in 1963:
VI. PROFITEERING BY WHITE

The intricacies and discriminatory provisions of the Act and its amendments have opened the door to exploitation of the situation by the moneyed whites. Thus, in the 1959 amendment to the Act, the Board was entitled to acquire, hire or expropriate immovable property in areas outside as well as within group areas. The purpose of this, stated the Minister of the Interior, was to prevent speculation in land values between the date when a group area was decided upon and the date it was proclaimed. During this interim period, speculators had been able to cause a considerable increase in property prices, to the detriment of the people who would eventually be moved there. Despite this belated recognition of one facet of the situation, it has been reported that the market value of properties rose in areas zoned for Indian occupation because of the high demand, and fell in previously non-white areas allocated to whites. Thus, the wealthier whites acquired properties at low prices while the poorer Indians were forced to sell cheap and buy dear. The Johannesburg Sunday Times of December 22, 1968, and January 12, 1969, reported that white property speculators were making fortunes at the expense of non-whites forced to sell their properties as a result of group area proclamations. It cited the example of two properties in Rustenburg, both held to be Indian-owned despite white nominee directors. These properties were sold to a white company for $1,98,000, of which the Group Areas Board retained $122,400. Less than two years later the white owners re-sold them for $3,42,200. The newspaper quoted Senator C.C. Henderson (United Party) as telling the Senate that a "basic value" of $7,000 had been fixed by the Board for a small but profitable Indian business in Ladysmith. After appeal, the Indian owner accepted a compromise $9,282. The Board sold the property to a white for $3,300 and this last purchaser later employed an Indian manager for the business.

The forces working to favour exploitation of the situation by whites can also be depended upon to protect the whites where the situation enabled non-whites to benefit. The Rand Daily Mail reported in 1968 that Mr. Graham Eden, a Member of Parliament, had called on the Government to force the Town Council of George to allow Coloured shopkeepers and businessmen to trade in their own areas. The Government-appointed Town Council had rejected an application by the Coloured Development Corporation, a Government body, to establish a shopping complex in the Coloured township of George. Members of the Town Council had argued that white-owned businesses would suffer if Coloured people were allowed to have their own businesses.

15/ House of Assembly Debates (Hansard), June 22, 1959, col. 8625.

VII. BIPOVERISHMENT OF NON-WHITES

The net effect of expropriation, profiteering, loss of assets and of livelihood, has been to further impoverish the non-white majority. In Johannesburg alone, by mid-1963, the Coloured community was reported to be $29,4CO in arrears with
the rents charged in the new "housing schemes" to which it was now confined.

L4/ Compensation paid for expropriated houses is generally inadequate to obtain houses of the same size in the group areas to which they are being confined. In Lenasia, the only group area for the Indians of Johannesburg, which is situated about 20 miles from the centre of the city, the Department of Community Development has been erecting "economic", "sub-economic" and "row" houses, and charging rents of approximately $22.40, $7.00 and $2.80 respectively. Many wage earners at Lenasia, such as waiters, who earn about $58.80 a month in total are effectively disqualified from the so-called economic housing. With light and water costing $7.00 a month, and the train fare to the city being $8.40 a month, they would be paying $37.80 a month in rent, light, water and transport, leaving little for food and clothing for their families. Any illness or unemployment would destroy even the capacity to remain in a "sub-economic" unit.

The South African Institute of Race Relations reported in 1969 15 that large numbers of Lenasia families were in rent arrears. Some of these had been evicted and re-accommodated in the barracks-like "row houses".


- 15

VIII. LACK OF FACILITIES IN NON-WHITE AREAS

The effect of moving settled communities to areas devoid of any facilities has been to undermine the standing of the communities and leave them at the mercy of powers designed to manipulate them as movable units of labour. In many cases, after group areas removals had been effected, communities were transplanted to other areas which, due to their total lack of development or facilities, have rapidly assumed the slum characteristics of their forerunners. A prime example is Lenasia, the township for the Indians in Johannesburg created towards the end of the 1950's. It was reported in 1963 that there were still no street lights, only two tarred roads, no waterborne sewage, no hospitals or clinics, no mail delivery, and inadequate police protection.

In August 1970, Mrs. Helen Suzman, Progressive Party Member of Parliament, charged that certain parts of the township were becoming "slum areas". She said that Lenasia had about 20,000 Indian residents and that at least another 15,000 were to be moved there unless another Indian group area were to be declared for Johannesburg. While she was prepared to admit that many of these people came from slum areas, she went on to say:

"But I think that slum clearance can be done on the spot without moving people 20 miles out of the city. One does not move people from a slum area to another area and allow that area to become a slum too."

That the Government is concerned merely with enforcing segregation,
without regard to the subsequent difficulties of the communities affected, is evident from numerous reports. Only where whites are affected does it make allowances in its programme. The following recent press reports are illustrative:
* "Between 7,000 and 8,000 Indians and Coloureds will be officially banned from Zululand from January 1 next year. They will, over a period, probably be forced to move into the Natal north coast areas of Verulam and Tongaat."
* "Nobody really knows. Least of all the Government. It doesn't know where the displaced families will go next to earn a living. It has no blueprint for the country's Indian and Coloured people. What's more, it doesn't care. Senior Government officials said this week that there was 'no urgency' to find alternative homes for Zululand's banned thousands."

- 16
"The official announcement on Friday on the location of the new trading sites for the 56 evicted Indian businessmen of Ladysmith was received with shock and dismay. A large section of this newly allocated trading space is on the bank of the Klip River, which is claimed to be a flood area..." 18/
"The threat of another group areas removal for thousands of Coloured people from newly established 'showpiece' housing estates in the Peninsula has alarmed leaders of the community. It is only nine years ago that many of them were moved from their homes to the townships of Facreton and Kensington - the areas now being campaigned for by the Nationalist candidate for Maitland in the Provincial Council elections, Mr. R.W. van Rooyen, for white occupation."
"Mr. J.D. Peterson, the area's member of the Coloured Representative Council, said: '...We have developed the area now they want to take it from us. The suffering caused by group areas removals is indescribable. The Group Areas Act must be abolished because too much suffering has been caused by it already.' " 19/
* "The position at the Colourei township of Grasmere, where men, women and children have been engaged in desperate fights over water this week - the second water shortage within a month remains unchanged. Yesterday only one tank was serving the township's 3,000 residents."
"Residents of Grasmere, 15 miles southwest of Johannesburg, have been without water since Friday... The township is served by only one borehole... Yesterday, some residents complained that the water shortages started only when water was made available free to them from the beginning of the month."
Previously they paid for their water at 6 cents a 44-gallon drum. During this time, they said, there were no shortages."

* "The 14,000 residents of Stirtonville, the Coloured township near Boksburg, who are served by three doctors, will soon have only two. One of the doctors, Dr. Essop Ebrahim, an Indian - the other two are white - has been ordered to vacate his consulting rooms in Stirtonville by July 8. This action is taken under the Group Areas Act. The two white doctors have been allowed to retain their consulting rooms in Stirtonville. When Dr. Ebrahim is forced to leave his consulting rooms, it could mean that hundreds of his patients, many of whom he attends to free, will be left without medical attention."


20/ Rand Daily Mail, June 18, 1970.


17

* "African families sat shivering with their belongings in the open veld near Fontainebleau, Randburg, yesterday and watched bulldozers raze their homes. Nearby live a white family of five who have been told to leave their derelict one-bedroomed home by the end of the year.

"The first the African families knew about their homes being demolished was when the bulldozers arrived. One family had been living there for 25 years.

"The area is being cleared for a new township being developed by Corlett Drive Estates. It borders on the luxurious White Horse Inn, which employs most of the Africans and Coloureds who are now homeless and say they have nowhere to go."22/


"Rail fares for journeys between the major cities and the non-white townships on the fringes will go up sharply from the end of the month. A Railways press statement issued yesterday said: 'As a result of a decision to reduce the subsidy payable to the Railways in respect of third-class passenger fares to and from stations situated in the re-settlement areas, the Railways Administration is obliged to increase the fares in question by about 10% with effect from October 1.'

"A spokesman at Railway Headquarters said yesterday that 're-settlement areas' meant the country's major cities." 2/ Effect on education

The Council of the South African Institute of Race Relations drew attention in January 1959 to the disruptive effects of these removals on education. It stated: "The inevitable disruption of educational services for the children of affected persons in dated group areas. In particular, the group areas proclamations for the Cape
Peninsula will result in the postponement of compulsory Coloured education."

The group area proclamations did even more harm than disrupt education. Nine years later, for example, the Rand Daily Mail reported that nine nonwhite adult education night-schools in Johannesburg were being compelled to close in terms of the Group Areas Act and the Bantu Education Act. At that time, there were only four nightschools in the African townships, all of them in Soweto. Staff from the Johannesburg nightschools would largely be unable to work in Soweto. For example, the 100 white university students who assisted the three African teachers at the University of Witwatersrand nightschool, would be unable to teach in Soweto or other African townships because of these regulations.


18

IX. OVERCROWDING

As the areas declared for "non-whites" occupation are too small to accommodate the present or eventual population and as these areas, being defined, cannot be expanded, the result is overcrowding and lack of homes. The overcrowding is reflected in the numbers using the train services into the industrial areas. A survey by the Railways Administration in March 1964 showed that an average of 156,000 Africans made daily use of the train service between Soweto and the City of Johannesburg. Additional coaches and trains were continually being put into operation, it was claimed, but there was still serious overcrowding. Over the past six years, the train services have not improved. Several disastrous train accidents in which numerous people have been killed can be partly blamed on the overcrowding. The angry reaction of the commuting workers in such incidents - after an accident in October 1970 in which many Africans were killed, police with machine-guns and dogs were called out to quell the angry crowd - "Why is it always us?", the crowd asked angrily, indicating that the conditions have become almost intolerable.

Mr. J.F. Oberholzer, leader of the white opposition United Party in the Johannesburg City Council, warned in November 1970 that the city was facing a "tremendously explosive situation" because of the frustration of African workers over wretched living conditions. He said that they had to live in overcrowded conditions and that their problems were aggravated by inadequate transport. "This is causing frustration, and there is a restlessness which could cause an explosion at the slightest incident." 24/

Commenting on Yr. Oberholzer's statement, Rand Daily Mail wrote on November 27, 1970:

"There can be few whites who are not aware, at least dimly, that Soweto is poor and packed, that people are living eight to a room, that midnight rent raids are common, that 11,000 families (at least) are without homes, that getting transport is a nightmare, that there are not nearly enough schools and that recreation and entertainment facilities barely exist... But few people stop to consider that desr'air and violence are bred in such conditions..."
"It is almost beyond belief that the Government is committed to depriving Soweto of development funds while it plans to push even more people into the place in an effort to make Johannesburg white by night. It is remarkable that the Department of Community Development is, even now, attempting to force Johannesburg to increase sub-economic rents when every survey points up the hunger that is in Soweto. Worst of all, it is pitiless to pretend that Soweto is only a temporary home for nearly half a million people who are one day going to disappear."

Because of the unnatural growth of population in the declared and limited areas, (into which thousands might be forced to move overnight), the provision of even meagre housing is unanswerable to keep pace. A report to the Johannesburg City Council in February 1964 conservatively estimated that unless new areas for Coloured people were made available in the city there would be about 7,000 Coloured families without accommodation by 1980. The Durban City Council's Committee for Bantu Housing reported in 1964 that when existing building schemes in African townships had been completed, there would be a shortage of between 7,500 and 12,700 houses and hostel accommodation for about 26,000 men. Large new illegal shack settlements were springing up round the city. 26/ The Rand Daily Mail of August 29, 1969, estimated that 11,000 Coloured people and 112,000 Indians were on the waiting list for housing in Durban alone, despite the fact that the Coloured group in the Durban area was small. Many others had probably not entered their names.

The Deputy Mayor of Johannesburg told the Star in 1969 that 11,404 African families were living as sub-tenants in Soweto, waiting for their own homes. In addition, about 2,000 dwellings were needed annually to provide for natural population increase. Yet, with the housing funds available, the municipality had in recent years been able to provide only 1,400 to 1,500 houses per year. The Natal Mercury of April 3, 1969, estimated that there were as many as half-a-million squatters in Natal province alone, living in shacks on town outskirts, paying exorbitant rents charged by private land-owners. Many were evicted from time to time but they had no choice but to move on somewhere else and set up in the same fashion again and again. 25/ Rand Daily Mail, March 6, 1964.

X. CREATION OF LABOUR POOLS
From the Government's point of view, the most "useful" effect of group areas, has been the creation or expansion of labour pools of non-white workers in conveniently controllable areas linked by railroads to the industrial cities. By uprooting these communities and limiting their trading capabilities and their
opportunities to purchase land, the Government is attempting to channel the majority of non-white peoples into a permanent source of cheap labour. Having decided on areas of what it calls "labour preference" for either Coloured people or Africans, the Government uses the Group Areas Act or other laws to "encourage" the right group in, and to "discourage" the wrong group from remaining there. In this context, Mr. W.G. Kingwell, United Party, said in the Parliament in 1969 28/ that local authorities in the "Coloured labour preference areas" could no longer get National Housing Loans for African housing. At Kiddelburg, Cape, no houses had been built since 1958. Squatters' camps or wood and iron have been established. Conditions were so bad that many Africans had moved to the "resettlement area" or Mngqesha, only to find the position worse there. When some later tried to return, they were arrested under influx control regulations. The Deputy Minister of Bantu Administration replied that, while the Department would do all it could to clear up the conditions, it had to be practical and realistic. Housing loans could still be granted, but for hostel accommodation only. 29/ The Government always appears willing to build hostels for "single men", in line with its policy of keeping young African workers in controllable areas while pushing "non-workers" (women, children and the aged) out into the remote reserves. In 1969, in the three African townships of greater Cape Town, there were 37,665 men and 15,121 women over the age of 16. Of the men, 25,258 or 67 per cent, were accommodated in bachelor quarters. 50/ House of Assembly Debates (Hansard), June 19, 1969, cols. 8644-8648. 29/ Ibid., cols. 8757-8758. 50/ Reply to a question by the Minister of Bantu Administration and Development

XI. PEGGING OF FUTURE DEVELOPMENT
A further disturbing effect of the establishment of group areas is that it " pegs" future development of the community concerned, except for the whites who, according to the Government, will always have control over 87 per cent of the land. The growing African and other non-white populations will be confined to the reserves, locations and group areas. 51/ Effective pegging of development even before the establishment of a group area, is open to the Government through the declaration of "defined areas" under the Group Areas Act. To date, this provision has been applied almost wholly to areas having within them Indian owners or occupiers. Such pegging is followed by group area proclamations resulting in the removal of rights to trade in a given area. Professor P.V. Pistorious, Professor at the University of Pretoria, while not objecting to residential segregation of the Indian community, protested against the removal of shops and businesses from the trading areas. He defended the Indian community against charges that it concentrated on
trading, pointing out that by law Indians could not farm in the Transvaal or become apprentices. "We are in fact," he said, "condemning a whole community to ruin and starvation."

Although African and other land-owners have been promised the right to purchase land and property in "their own areas", in return for their deprivation of rights in areas declared white, in practice this right has proved illusory. Rand Daily Mail reported on June 30, 1970:

"The Bantu Investment Corporation, a Government agency, has been accused by an African businessman and civic leader of monopolizing ownership of private land and businesses in the homelands. Mr. H.M. Pitje, a Pretoria businessman and member of the Mamelodi Advisory Board, said yesterday: 'I have money. But I am not allowed to buy any property in the homelands.' He has been struggling for more than a year to buy a business or plot in the homelands but without success.

"... 'I have been told by officials of the Bantu Investment Corporation that the sale of properties in the homelands has been frozen,' Mr. Pitje said. When the Corporation had been established by the Department of Bantu Administration and Development seven years ago, he understood it was going to buy properties from non-Africans in the homelands and give financial assistance to Africans who wanted to buy them. But that was not the case now. 'The Bantu Investment Corporation seems to be monopolizing ownership of businesses in the homelands,' he said. 'What I have been told officially is that I cannot be allowed to buy property in the homelands. I can only lease one from the Corporation. The leases were given only to approved Africans', who might be allowed to buy the properties at a later stage.'"

XII. RESISTANCE TO THE ACT

The callous application of the Group Areas Act has met with widespread resistance. Apart from individual resistance, whole communities have opposed the enforcement of proclamations, and the organized political movements of the African and other peoples have demonstrated at national level. A local community, when forced to move, might resist by deliberately ignoring the orders. Thus, in the area of Carolina declared for Indians (and called Carolindia), the Town Council built four small houses and some of the Indians were then ordered to go there. In October 1963, five men were charged in court with failure to do so. Mr. M.I. Dadabhay, aged 85, who had been in Carolina since 1911, said he had applied without success to remain in his existing home,
next to the mosque, his only remaining interest in life. He was sentenced to $84 or 60 days and ordered to move before the end of January 1964. Sentences of varying severity were passed on the Muslim priest, the primary school principal, a trader, and a sickly man aged 75 years. All the Indian shops of Carolina were closed for a day in sympathy. 32/

Defiers of removal orders have served jail sentences again and again, rather than submit to the Act. The classic example is that of the late Mr. Nana Sita, a former President of the South African Indian Congress. A brief account of his fight against the Group Areas Act is representative of the innumerable acts of defiance undertaken by sections of the Indian community.

Mr. Sita, a follower of the Gandhian philosophy of Satyagraha (passive resistance), was sentenced in 1962, at the age of 64, to a fine of R100 ($140) or three months in jail for failing to comply-with an order to vacate his shop and home in Hercules, Pretoria, which had been proclaimed a white area. He was warned by the magistrate that if he failed to comply with the eviction order, a further penalty of R100 ($140) or six months imprisonment would be imposed. He refused to pay the fine and elected to go to prison. After release, he and his wife again occupied their home, where they had lived for 40 years. Again he was brought to court, sentenced, and again he elected to serve the jail term, which was then six months. The authorities did not act again until September 1965. Mr. and Mrs. Sita brought an application before the regional court seeking to establish their right to be tried by a judge. The application was dismissed one year later. In 1967, then 69 years old, the Indian leader again appeared in court and was sentenced. He told the magistrate: "I will willingly suffer whatsoever sentence you may deem to pass on me."


Other statements made by Mr. Sita while in court reflect the attitude of the Indian community to the Group Areas Act. He told the court in the 1962 trial: "It is very significant that I appear before you on this, the tenth day of December, to be condemned and sentenced for my stand on conscience. Today is Human Rights Day - the day on which the Universal Declaration of Human Rights was accepted by the world at the United Nations. It is a day on which the people of the world re-dedicate themselves to the principles of truth, justice and humanity. If my suffering in the cause of these noble principles could arouse the conscience of white South Africa, then I shall not have strived in vain.

"Sir, my age is 64. I am suffering with chronic ailments of gout and arthritis, but I do not plead in mitigation. On the contrary, I plead for a severe or the highest penalty that you are allowed under the Act to impose on me."

In the 1967 trial he stated, in the course of an 18-page prepared statement:*
"It is the avowed policy of the authorities that life be made as intolerable for the Indians, and conditions of living so unbearable, that they will be forced to leave of their own accord. The Act is cruel, callous, grotesque, abominable, unjust, vicious and humiliating. It brands us as an inferior people in perpetuity, condemns us as uncivilized barbarians. It degrades the race to which I am proud to belong, a race which has produced eminent men and women in all walks of life..."

One effect of the Group Areas Act and its application has been to further unite various groups in their opposition to the regime. It encouraged the Asian and Coloured people of South Africa into more active resistance and into closer alliance with the African liberation movement. It was as a protest against this Act, as well as against the Suppression of Communism Act and the May Day shooting, that the African National Congress sponsored in 1950, a national campaign which culminated in a nation-wide stoppage of work on June 26, a day which has subsequently been designated as South Africa Freedom Day.


*See annex.

ANNEX

EXTRACTS FROM THE STATEMENT MADE BY THE LATE MR. NANA SITA AT HIS TRIAL UNDER THE GROUP AREAS ACT IN THE MAGISTRATE'S COURT IN PRETORIA ON AUGUST 17, 1967

Your Worship,

I stand before you charged with committing an offence under the Group Areas Act No. 77 of 1957, to which I plead not guilty. It is alleged that in terms of Section 23 (1) of this Act, I wrongfully and unlawfully occupy premises which fall in a white Group Area proclaimed as such under Proclamation No. 150 of the 6th June, 1958.

In December 1962 and in April 1963, I was charged for the same offence to which I pleaded guilty on both occasions and served a sentence of 3 months and 6 months respectively in jail. I was prosecuted for the third time but because of cases pending in the Supreme Courts the case against me was withdrawn. I am now facing my fourth prosecution. The whole of Pretoria has been declared a group area for white people except a portion of the Asiatic Bazaar and the Township of Laudium which was declared a group area for Indians. I have lived with my family in Hercules for the past 44 years. First from the 1st April, 1923 at Erf 313 Rustenburg Road, and then from the 1st January, 1931, at Erf 321 Rustenburg Road, now known as Erf 321, No. 382 Van Der Hoff Road. A distance of about 100 yards separates these two properties. Hercules now forms part of Pretoria.

The Group Areas Act has been declared by the Government as "corner stone" of its Apartheid policy. The Minister of Interior while piloting the Group Areas Bill said, that it was a major measure towards the realization of one of the main
objects of the policy of apartheid, and this object will be achieved without recourse to discrimination between the various races. The restriction imposed on one group is to be imposed on the other groups. It is true that the Act is the cornerstone of the apartheid policy, and a major measure to achieve that object, but in practice its application has been most discriminatory. In the three principal areas declared in the Transvaal as Indian Group Areas, namely, for East Rand, at Benoni, for Johannesburg, at Lenasia, and for Pretoria, at Laudium, no white man had to be removed from his place of residence or business. The removal order fell on Indians only. The Indians in these three places number 57,000. In 26 other towns and dorps that are proclaimed, except at Standerton and Rustenburg, no Europeans had to move, but only Indians will be removed from both businesses and residences. The Indians in the Transvaal who number 75,000 will eventually be moved to their respective Group Areas against the handful of Europeans in Standerton and Rustenburg who were moved to much better places. Thus only Indians have to bear the burden of discrimination. So the assurance by the Minister of Interior Dr. Donges in Parliament, that there would be no discrimination against the victims of the Act, is not borne out in practice.

- 26

Those of us on whom the axe has fallen are undergoing untold hardships through having been uprooted from businesses and residences, causing misery, suffering, and unhappiness resulting in financial loss and insecurity for the future. Trade has been the main occupation of the Transvaal Indians and to make a success of their business, two and three generations have rendered service to build up their establishments, which under the enforcement of the Act are now threatened with total extinction. Material losses and insecurity stares them in the face. This, then, is the Act, in the words of the Minister of Interior Dr. Donges was to be applied without discrimination and administered with justice. The Group Areas Act is cruel, callous, grotesque, abominable, unjust, vicious, degrading, and humiliating to the utmost against whom it is applied. How an Act which is enforced against the Indians with callous disregard of human suffering, misery and unhappiness, can be described to be based on justice is beyond the comprehension of any human being.

The policy of apartheid enforced through the Act is irrevocably opposed by all sections of the non-European people of South Africa. And all lovers of democracy among Europeans have equally condemned it as unjust and unworkable. With the exception of Portugal all nations gathered at the United Nations have condemned it and declared it to be contrary to human rights as embodied in the Charter.

Implementation of this policy through the Act brands us as inferior people in perpetuity, degrades our self-respect as human beings, condemns us as uncivilized barbarians. It degrades and humiliates my race to which I am proud to belong, a race which has produced eminent men in all walks of life, Saints, Philosophers, Statesmen, Jurists, Scientists, Educationalists, Industrialists, Poets, Literary Geniuses, Economists, Sportsmen and Philanthropists among both men and
women who are self-governing and sovereign people. Mahatma Gandhi has been hailed throughout the world as the greatest man of the twentieth century. Mrs. Indira Gandhi as Prime Minister of India, rules over 500 million people. Mrs. Pandit graced the Presidential chair of the United Nations as the first woman president of that august assembly but here in South Africa, the members of the same race are derided and treated as third class citizens and relegated to "ghettoes", being allotted the status of lepers, suffering with leprosy. They must be separated and kept in isolation. It has branded the 14 million non-Europeans of South Africa - Africans, Indians and Coloured people - as inferior and untouchables to be separated and isolated lest their proximity and shadow contaminate and pollute the members of the ruling race.

From the foregoing it is clear that the harsh and coercive measures adopted under the Act have as their object the hounding out of the Indians from this country of their own accord, and thus achieve the most "cherished hope" of getting rid of the people the white people's Government brought to South Africa, to serve the interest of the white people, to turn the barren land of Natal into a garden Colony, to make the sugar industry flourishing and prosperous and the backbone of Natal's economy. Their labour is no longer essential. The juice having been sucked from the fruit, the kernel can be thrown away. The undertakings, assurances, promises and solemn agreements need not worry the conscience of the rulers. They must rule and therefore, they say, oppression and repression are justified.

In all the years of my adult life, I have passionately believed in the universal ideals of human brotherhood and social justice and am deeply sensitive to any inroads into these ideals. Apartheid refuses to recognize human dignity and brands its victims as sub-human. It denounces all known canons of ethics as propounded by the world's great religions and philosophies. It refuses to recognize human rights as propounded in the Declaration of Human Rights by the United Nations.

Shorn of verbiage the apartheid policy as enforced through the Group Areas Act is nothing but a bare-faced expression of a desire to dominate, oppress and exploit the non-Europeans and to subject them to perpetual servitude of the white men who claim to be God's chosen people, the Master Race, the Herrenvolk, a concept which plunged the world into a holocaust, which was defeated at the cost of millions of lives. Is the world going to be r iade to witness the same holocaust by perpetuating the concept of the Master Race theory?

I would say that the cruel treatment meted out to Indians by the enforcement of the said Act is a crime against humanity and a sin against God. One day the framers of the Group Areas Act will stand before a much higher authority than the South African Parliament, for the misery, the unhappiness and the humiliation it caused to the victims of the Act. May God Almighty forgive them for their trespass.

I stand before you for flouting the provisions of the Group Areas Act, which for the reasons stated above, my conscience does not allow me to comply with.
Therefore, in obedience to the higher authority of conscience I have decided not to meekly submit to the provisions of the Act. Being a follower of Mahatma Gandhi’s doctrine of _Satyagraha_ (passive resistance) based on truth, love and non-violence I consider it my sacred duty to resist injustice and oppression and in doing so am prepared to bear the full brunt of the law and am willing to face the consequence thereof.

If you find me guilty of the offence for which I am standing before you, I shall willingly and joyfully suffer whatever sentence you may deem to pass on me as my suffering will be nothing compared to the suffering of my people under the Act. If my suffering in the cause of noble principles of truth, justice and humanity could arouse the conscience of white South Africa then I shall not have strived in vain. I am 69 years of age, suffering with chronic ailment of arthritis but I do not plead in mitigation. I ask for no leniency. I am ready for the sentence.

- From Black Sash, November 1967.