CHAPTER V

GANDHIJI AND PROMOTION OF HUMAN RIGHTS IN SOUTH AFRICA
5.1 Introduction

In this chapter an attempt is made to analyse Gandhiji and promotion of human rights in South Africa.

The period of Gandhiji’s public action in South Africa was considered as the most formative period of his entire public life. Gandhiji arrived in South Africa in 1893 to advocate the cases against the Memon firm, the firm of the Indian businessmen in South Africa. Later on he encouraged the Indian emigrants there to fight against the tyranny of the Whites who had been very much cruel to them. Gandhiji had to face numerous insults and humiliations in South Africa. He was asked to put off his turban, forbidden to board a first class compartment, thrown out of a carriage and refused entry in a hotel. But he did not take these insults lying down. He raised his voice of protest against them and chose to suffer. Thus began a new chapter in his life and in the life of the Indian community of South Africa. Gandhiji’s activities in South Africa can be regarded as unparalleled and unequalled in the history of the world. Gandhiji organized the Indians and inspired them to fight against injustice.

Here an attempt is made to analyse some of the heroic deeds which Gandhiji performed in South Africa.
5.2 Indian Immigration and the Condition of Indentured Labourers

The Indians who went to South Africa for the first time were indentured or contract labourers on the government contract in 1860. As slavery was abolished throughout South Africa and as the native Negroes were reluctant to provide manual work on a large scale, the English settlers of the colony of Natal found their sugarcane, tea, coffee and other agricultural projects on the brink of ruin. Therefore, they needed a stable labour force for sustaining their plantations. Hence they approached the Natal colonial Government who requested the British Government of India for the supply of Indian labourers. At the persistent request of the Natal Government, the Government of India finally consented to the emigration of Indians for labour on the sugar plantations.

In November 16, 1860, the first batch of the Indian indentured labourers landed in Natal. These Indian labourers who were taken from the poorest population of Madras and Calcutta, were illiterate, backward and untrained in hygienic habits.

As the majority of Indians belonged to the labouring class, all Indians were called coolies or Samies. Merchants were known as “Coolie Merchants”.
Gandhiji was called a "Coolic barrister". The indentured labour on the sugar plantations was terminable and the labour might after five years remain as a free man. But no serious legal safeguards were provided by the Government of India for the protection of social, economic, and political interests of these illiterate indentured labourers from India. According to Gandhiji: "It is true that as many terms as possible, purporting to safeguard the labourer's interests, were entered in the indentures. Fairly good arrangements were made for their board. But adequate consideration was not given to the question as to how these illiterate labourers who had gone to a distant land were to seek redress if they had any grievances. No thought was given to their religious needs or to the preservation of their morality. The British officials in India did not consider that although slavery had been abolished by law, employers could not be free from a desire to make slaves of their employees. They did not realize, as they ought to have realized, that the labourers who had gone to Natal would in fact become temporary slaves." But in course of time many Indians raised themselves from the state of labourers to that of owners of land and houses and later they would become traders and used to provide soft goods to the natives of South Africa and soft goods, hardware and
groceries to the Indian population. In a very short period these Indian traders prospered very much and many of them expanded their business entering into agricultural entrepreneurship of sugar estates, tea and coffee with the help of the ex-indentured labourers. This new development displeased the Europeans who felt threatened by the fast growing commercial development and economic prosperity of the Indians in South Africa. There was competition in trade between Indians and Europeans. In consequence, the Europeans started an agitation all over South Africa aimed at harassing the free Indians in a number of ways. They wanted to compel the Indians legally, socially, economically and politically to leave South Africa and go back to India. The Europeans demanded more and more indentured labourers from India for sustaining their agriculture and mines, thereby making money out of their labour. On the other hand, they were not ready to accept these indentured labourers as free workingmen in South Africa competing with them in trade and commerce after the expiry of the period of their indenture. According to Gandhiji, "The European planters of Natal wanted only slaves. They could not afford to compete with them to however small an extent". The Europeans also started to carry on agitations against the Indian merchants
and traders to restrict their immigrations to South Africa and to curb the trade and commerce of those Indian traders who had settled down in the different colonies of South Africa so that the economic interests of the Europeans would be well protected against any outside encroachment. Gandhiji reveals, "Except in the Cape Colony, the general opinion held was that as labourers the Indians were all right, but it had become an axiom with many Europeans that the immigration of free Indians was purely a disadvantage to South Africa. The result was that the Governments of the respective colonies of South Africa succumbed to the pressure created by the agitations of the Europeans against the Indians and began to make and implement anti-Indian, anti-Asiatic legislations.

5.3 Discriminative Laws and United Action

The prejudiced attitude of the Whites towards Indians was paving the way for unjust legislations and for compulsory segregation. A great deal of hardships was caused to the Indians by such legislations primarily in the four colonies of South Africa – Natal, The Cape Colony, The Transvaal and the Orange Free State. The legislation caused a feeling of deep-seated hatred towards the Indians in all over South Africa. The special legislation for Indians
had for its object the degradation of Indian community in that country. In Natal, the Indians as British subjects, used to enjoy full electoral rights before 1894 according to the Royal Charter of 15th July 1850. The Charter declared: "...any adult male, not being native of South Africa, possessing property to the value of fifty pounds or who rents any such property of the yearly value of ten pounds, shall be entitled to be placed on the Voter's Roll". But towards the end of 1893, Natal received responsible government after which the Responsible Government of Natal passed an act disfranchising all Asiatics except those whose names were already contained in any voters list. The franchise Bill was an expression of the deeper malaise of colour prejudice that made the life of Indians in South Africa one of humiliation and misery. All over South Africa, racial discrimination in its worst form came to be practised against Indians. But Gandhiji opines, "The real reason for passing such an Act was to lower the status of the Indians and gradually to bring him down to the level of South African-natives so that in time to come, the respectable Indian may become an impossibility". In 1895, the Natal Government introduced a Bill, the Indian Immigration Law Amendment Bill which sought to force the indentured labourers to remain indentured for
ever. In the first place the Bill extended the period of indenture from five years to an indefinite period and in the second place it made the return of the indenture-expired Indians of India compulsory. If they wanted to live in Natal, they were required to do either of two things; in the first place either they should re-indenture themselves after every two years or to pay a Poll tax of three pounds including each of their family members per year. The Bill was passed and was implemented rigorously. Gandhiji reveals, “It is impossible to describe the hardships that this tax entailed”\(^9\). And moreover, the Indians had been denied travelling liberty too. They had no freedom to travel freely in any part of the country, without the pass issued by the concerned authority. If a person would have to go from one place to another, he must keep it. And moreover, the Indian traders were equally subjected to harassment through racial and discriminatory legislations. In Natal, a license was made compulsory under Dealers License Act for carrying on trade for all including the Europeans. But in practice any European could easily get a license while an Indian had to face countless difficulties in the matter. Beside’s an Indian trader was not allowed to have his license transferred to another person. He could not, therefore, sell his business as a going concern\(^{10}\).
Moreover, the Indian children were not allowed to attend public schools and the hotels did not provide accommodations to the Indian travellers. The Indians were also denied the right to vote. Besides, they were prohibited from travelling first and second class. The Railway authorities were instructed not to issue first and second class tickets to the coloured people including Indians.

Thus the Indians were subjected to inhuman treatment in all walks of life. Different types of legislations had denied their political, social, and economic freedom and rights. The British Government failed to protect the rights of Indians and they were leading a fettered and chaotic life. They were disorganized and scattered. They had no one to lead and guide. Realizing their difficulties, Gandhiji took up the task of leading and liberating his countrymen there.

Gandhiji realized that the first thing to do was to unite the Indians and to infuse into them the sense of solidarity. For that purpose a meeting of Indians took place in Pretoria. Gandhiji exhorted them to learn English so as to be able to read the newspapers and understand the events in South Africa. This was necessary for integrating themselves into the community. However,
the Natal Mercury Newspaper published an article under the headline “Indian Franchise”. This news piece was a reference to a Bill known as Franchise Law Amendment Bill which was tabled before the Natal Legislature. This Bill sought to deprive the Indians of Natal who then enjoyed limited franchise on a basis of fixed wealth criterion. But the Indians were not able to follow the proceedings of the Natal Legislature. The Indian opposition to the Bill was to be expressed through a political campaign. To acquaint the British community in South Africa and the people in India with the real conditions in Natal, Gandhiji wrote two pamphlets, ‘An Appeal to every British in South Africa’ and ‘The Indian Franchise’. However, two reasons had been forwarded in support of the passing of this Bill by the legislators of the Natal Assembly. The first reason was “That the Indians have never exercised the franchise in the land they come from”, and the second was “That they are not fit for the exercise of the franchise”. A petition drafted by Gandhiji and signed by nearly 500 Indians was presented to the Legislative Assembly of Natal opposing the Franchise Law Amendment Bill. Through this, Gandhiji succeeded in drawing the attention of the public and the press in Natal, India and England to the Natal Indian grievances.
5.4 The Natal Indian Congress

The Natal Indian Congress was established on 22 August 1894 at Durban. Mr. Abdooola Haji Adam, an Indian merchant was made its president and Gandhiji was given the post of its Honorary Secretaryship. A large number of Indians, mostly affluent traders subscribed to it and became its members. The members had to pay an annual subscription, which was fixed to the minimum of three pounds. There were seven important objects attached to the Natal Indian Congress. They were:

- To promote concord and harmony among the Indians and Europeans in the colony,

- To inform the people in India by writing in the newspapers, publishing pamphlets, and delivering lectures

- To induce Hindustanis – particularly to the colonial born Indians – to study the Indian history and literature relating to India

- To inquire into the conditions of the indentured Indians and to take proper steps to alleviate their sufferings
To help the poor and helpless in every reasonable way and

To do such work as would tend to improve the moral, social
and political conditions of the Indians.¹⁶

Thus these seven objects of the Natal Indian Congress indicate that
Gandhiji was very much concerned about the improvement of the moral,
social and political conditions of the Indians. The Natal Congress was a
very effective instrument for the internal reform of the Indian community.
For to educate and consolidate the Indian community, a Weekly named Indian
Opinion was established in 1903. Through this weekly, the Indians all over
the world were kept in touch with the course of events in South Africa. And
moreover, Gandhiji, tried to educate the Indians in South Africa in self-
discipline, sanitation and good citizenship and to prepare them for Satyagraha.
Gandhiji had also set up a law office in Johannesburg to defend the Human
rights of Indians through the courts. He was prospering as a very successful
lawyer. With his leadership, the Indian movement was able to conduct
agitations through legal channels.
5.5 Prelude to Satyagraha

On 22 August 1906 the *Transvaal Government Gazette Extraordinary* published an ordinance which enjoined that every Indian ‘Coolie’, Arab and Turk of eight years or upwards, entitled to reside in the Transvaal, must register his or her name with the Registrar of Asiatics and take out a certificate of registration. They must submit to being fingerprinted. Every Indian who refused to be fingerprinted or failed to receive a certificate would automatically forfeit his right of residence in the Transvaal. This registration measure could easily humiliate and demoralize the educated and prosperous Indians.

On 11 September 1906, the Indians held a meeting at the Empire Theatre in Johannesburg. The main resolution on the agenda drafted by Gandhiji was that the Indian community was determined not to submit to the measure of registration. And “for the first time in Gandhiji’s life, he led a public assembly in a solemn vow before God to resist an unjust law, whatever the consequence.” Initially Gandhiji called it as passive resistance but afterwards he gave up the use of the phrase ‘passive resistance’ and
called his movement ‘Satyagraha’, the force born of Truth and Love or Non-violence. Truth is the only thing that is true, since truth is, therefore the only thing that is real, since truth is, because of its very nature, identical with God, we have to hold on to truth. And we shall have no hatred for any body. We shall then love others in the same way as which we love ourselves. Gandhiji points out, “A Satyagrahi will always try to overcome evil by good, anger by love, untruth by truth, himsa by ahimsa”. Hence Satyagraha is a positive method of protest against social evils. The significance of Satyagraha is that, the Satyagrahi, as the follower of Satyagraha is known, must not use any sort of violence against the opponent, because the aim of the Satyagrahi is to convert the opponent and make him realize his mistake and thereby establish justice and peace forever. Violence hurt the human rights of the opponent and moreover, the rights of the others too. Hence the application of Satyagraha is essential to protect the rights of all.

With the understanding of the power of Sathyagrahra, Gandhiji organized a boycott of the registration procedures and a peaceful picketing of the registration centres. The non-violent campaign was very successful. The government was perplexed at the non-violent resistance of the Indians.
In January 1908, Gandhiji was imprisoned. But within a few days he came out of the cell after a compromise was made through secret discussion with General Smuts. The compromise was that if the Indians registered voluntarily, the law would be repealed21. But later the law was not repealed. In August 1908, a gathering of three thousand Indians burned their registration cards before the mosque in Johannesburg. Meanwhile the Transvaal Legislature passed another measure which effectively excluded new immigrants from India. This was practically a racial discrimination. On 13 September 1913, the Indian Opinion announced: “The real object of our fight must be to kill the monster of racial prejudice in the heart of the Government and the local Whites”22. The fight should be for changing the spirit of the government and the European population of South Africa.

Gandhiji wanted to widen the front of action and turn from passive to active defiance of discriminatory laws. He had sent a party of sixteen, including his wife from phoenix settlement in Natal to the Transvaal. They were arrested and imprisoned for entering the Transvaal without a permit. Gandhiji mobilized the Indian women. And a group of eleven women marched over the border from the Transvaal to Natal. Several groups of women
followed them and were arrested. Moreover, Gandhiji asked the Indian mine workers of Natal coal fields to go on strike, since the poll tax had not been repealed. The mineworkers had to face so many hardships in this regard. The employers cut off water supply and electricity from the miner’s quarters. The poor Indians were thus compelled to leave their quarters. On 6 November 1913, Gandhiji led these Indians with their families from Newcastle to Charlestown in order to cross the Transvaal border from there and to reach the Tolstoy farm if they were not to be arrested. During this journey, Gandhiji was arrested and released several times. The imprisonment of Gandhiji and of the two Europeans, Polak and Kallenbach – who were helping Gandhiji to organize the march, provoked the rest of the miners and the indentured plantation workers to join the strike. The government resorted to violence and attacked the striking miners with whips and rifle fire. The news of the ruthless repression reached everywhere and the public opinion condemned the ‘blood and iron policy’ of the South African Government. The Viceroy of India, Lord Hardinge openly approved the Satyagraha movement in South Africa. However, General Smuts appointed an Enquiry Commission regarding the strike led by Gandhiji and its grievances to maintain public favour. Within
a short time of the submission of the report of the Commission, in the summer of 1914, the Indians Relief Act came into existence. It was the first South African legislation made in favour of redressing the grievances of the Indians there\(^2\). The Relief Act recognized all those marriages as legal, which were so in India. It abolished three-pound poll tax and mitigated the immigration regulations. A domicile certificate bearing the holder’s thumb-imprint was considered sufficient evidence of the right to enter the Union of South Africa. The Satyagraha struggle in South Africa was a fearless crusade of asserting the notion of human rights and rendering it the basis of legislations. The experience in South Africa showed that Indians would neither deserve nor gain the respect of their European neighbours until they gave unmistakable signs of their own capacity for self-respect. Moreover, it must be noted that Gandhiji had exhausted all peaceful ways and means before launching Satyagraha.

5.6 Conclusion

The entire public action of Gandhiji in South Africa has been regarded as the non-violent defence against Human rights violation and social injustice. In South Africa, his contacts with the shocking experiences of the dreaded
diseases of colour prejudices and racial discrimination pursued by the Europeans against the Indian community deeply influenced his thinking. The inhuman and highly deplorable situations that existed in the midst of South African Indians helping him to develop appropriate concepts and techniques of non-violent defence. It was in South Africa where Gandhiji for the first time used his method of Non-violence, and after twenty one years of relentless war against the Whites he finally won. South Africa, for Gandhiji was like a laboratory where he evolved the new weapon of Non-violent resistance. In South Africa Gandhiji fought for the vindication of rights of Indians. The basic demands of the Indian community referred primarily to the civil and personal rights of the citizen. Gandhiji demonstrated through his novel methods that what the weak and the suppressed need is courage of conviction to stand up and fight any unjust system. It is quite relevant in the contemporary world to protect the rights of the people especially those who are weak and suppressed in various fields of life. Gandhiji clarified with telling effect that the weapon of the weak in this noble fight for social justice and equal rights is not any external weapon but soul-force which is more powerful than even the atom bomb, and which in
turn, will arm a nation or a person with the requisite courage to fight the forces which deny fellow human beings their right to live in dignity. Gandhiji's experience of the success of practicing soul-force in South Africa inspired him to intervene in the public action in India.
REFERENCES


2 CWMG. Vol. XXXIX p. 90.


4 Ibid., p. 36.

5 Ibid., pp. 38 – 39.

6 Ibid., p. 43.


8 Ibid., p, 56.


12 CWMG, Vol.1, pp. 256 and 357.

13 Ibid., p. 92.


16 Ibid, pp., 131 – 132.


18 Collins and Lapierre, *Freedom at Midnight*, p. 54.


20 M.K.Gandhi, *Young India*, 08-08-1929.

