

BLACK SASH MEMORANDUM ON THE DRAFT BANTU LAWS AMENDMENT BILL -  
GOVERNMENT GAZETTE EXTRAORDINARY No. 430 DATED FEBRUARY,  
8TH, 1963.

---

The Bantu Laws Amendment Bill has been widely advertised by the Government as being a Bill to ease race frictions. It does nothing of the kind. It introduces many amendments and alterations to the present laws which, in the opinion of the Black Sash, will be calculated to drive all Africans, even the most reasonable, to a point of hopelessness and desperation.

The only alleviation to the restrictions which Africans suffer at present are:-

1. The possibility of the Minister granting some exemptions from the application of curfews;
2. The right of Africans to visit African townships in which they are not themselves resident; and
3. The acceptance by the Government of responsibility for paying the cost of repatriation of certain classes of Africans (and their dependants) who are being endorsed out of prescribed areas.

These minor "concessions" are not likely to do anything to make this Bill more acceptable to Africans, for they will be completely eclipsed by the very many severe new hardships and injustices which this Bill will create.

There are a great number of clauses which restrict still further the rights of Africans to work in "prescribed" areas which are almost always the areas where the best opportunities of employment are to be found and where the best wages can be obtained.

The Minister may, after consultation with the Urban local authority concerned, (if any) declare any areas outside a scheduled Bantu area or a released area to be a prescribed area, thus drastically reducing the number of places in the Republic in which an African may be, without obtaining special permission.

District or Municipal labour officers are granted the power to refuse Africans permission to be or continue in employment in an area if the State President has prescribed that no further Africans should be employed in that area, or part of an area, or even any particular stand in a town, or if the class of work for which the African is suited has either been totally prohibited by such regulation in that area, or the quota for that type of work in that area (which quota is decided on by the Minister) has been reached. This will greatly limit the amount of work available to Africans and, therefore, correspondingly increase the amount of unemployment among them. Although under the draft Bill the Minister is empowered to give exemptions from these prescriptions, he is also entitled to withdraw any exemption given without prior notice so that exemptions give no real security to either employed or employer.

Over and above these new difficulties, placed in the way of Africans seeking work, they may, under one of the Clauses in this draft Bill, be forced to leave their employment simply because there is no accommodation for them of the type determined by the Government, as laid down in this Bill, near their work - even though they are or can be accommodated elsewhere. This both deprives the African of his work and the area concerned of his services which are needed.

African domestic servants are likely to be almost forced out of existence by this Bill because only one African domestic servant is to be allowed to "live in" and as there is no accommodation in the African townships for the many who will no longer be able to live at their place of employment if this Bill becomes law, they may well be endorsed out of the area and have to go to a depot or such other accommodation as the district or municipal officer may approve.

These...



These restrictions on the right to work where Africans wish for the best wages they can obtain would be enough in themselves to cause the greatest hardship and frustration. But it must be realised that by law an unemployed African can be endorsed out of the area where he has the best hope of finding another job and sent back to a Bantustan where he has almost no hope of finding work and still less of being able to earn a wage comparable with that paid in the area from which he is being sent away. It is easy to see that these new laws will generate a feeling of hopelessness and desperation among Africans. It must also be remembered that Africans form the poorest section of the community and are therefore those who most desperately need to work.

It is clearly the Government's intention to use the powers which this Bill gives it to displace African workers. The Bill makes provision for "depots" into which the displaced Africans can be drafted at the discretion of municipal or district labour officials. The Bantustans could not hope to cope with a large influx of displaced African workers, hence the depots. From these depots they may be drafted out to employment by the officials concerned or, it seems, if no employment is available, they may remain in these depots indefinitely for months or even years. In any case, they certainly will not be free to seek employment of their own choosing.

Any African who is deemed "idle" may be sent to a depot or youth centre. The definition of "idle" has been widened to include Africans over the age of 15 and under the age of 60 (women) 65 (men) whether or not he or she is adequately supported by parents or guardians. There is nothing in the Bill to suggest that these Depots and Youth Centres will be subject to the ordinary existing laws governing health, sanitation, prisons, housing, education or, in the case of the Youth Centres, the provisions of the Children's Act, or that the Ministers of Health, Education, Social Welfare, Justice etc. will have any responsibility for what goes on in the centres. The Bill seems to foreshadow the erection of vast, camps into which groups of people will be concentrated and where no public inspection by local authorities, etc. will be possible. It is an alarming thought that human beings can be forced to live in Depots merely because they are unemployed (especially when they can be forced out of employment by the decree of the Minister or one of his officials) or because they are too old, ill, or disabled to work.

One of the worst clauses in the Bill is one which makes it possible even for those Africans who, under the present laws, qualify to be in a proclaimed area, to be endorsed out. The much valued qualifications which, up till now, have given them the right to remain in a prescribed area will be rendered quite valueless as a result of this clause.

The fact that there has not been more widespread dissatisfaction publicly manifested among Africans with the existing laws would appear to be due to the fact that in every urban area large numbers of Africans had some sense of security since they qualified to remain in the area. The fear of losing this right has prevented many who were deeply dissatisfied over conditions generally, from taking part in political activities. The loss of this right will remove the most stabilising factor among urban Africans and can serve only to create a feeling of desperation and despair among them.

Perhaps the two most terrible clauses of this draft Bill are:

- (a) the removal of the right which Africans have had up till now to return to their place of employment if they have not been away more than 12 months; and
- (b) the withdrawal of the right which local authorities now have, to allow African women to visit their husbands and fathers if these men have been working continuously in an area for two years.

If African women are no longer to be allowed even to visit their husbands, and if the price a husband may have to pay for visiting his wife and family is the loss of his right to return to his previous employer (with consequent loss of his right to...



to remain in a prescribed area) how are married Africans ever to be together and at the same time earn enough money to support themselves and their families? "Visits" at the very least are essential between husbands and wives if homes and marriages are not to break up.

Difficult as it will be for African men to work in a prescribed area, it will be even more difficult for African women. If they wish to take up employment in a "prescribed" area they must produce (i) a certificate of approval from the Chief Bantu Affairs Commissioner in the area where they normally reside, given by him after reference to the Chief, Headman or Bantu Authority; (ii) if they are under 21 or are married or widowed, their guardian's or husband's consent, before obtaining the written consent of (iii) the labour officer and (iv) the Chief Bantu Commissioner in the area where they wish to work. The husband's permission will obviously be very hard to get, in the many, many cases when wives apply to work in an area in order to be with their husbands because these husbands, due to long absence from home, have taken up with other women and have ceased to feel any close link with their lawful family. Thus not only immorality, but the complete break down of family life will be vastly increased.

The Bill not only, however, reduces the freedom of Africans to live and work where they like, but also makes inroads into the freedom of employers to engage the type of labour they require and sets restrictions on the length of contracts entered into between employer and employee. It also gives labour officers the right to cancel any contract between an African employer and his African employee if he thinks it is in the interest of employee, employer or of the public that he should do so.

The Black Sash would like to state that it is utterly convinced that if the proposed Bill becomes law it will exacerbate, to an uncontrollable degree, the ill-will which already exists on the part of Blacks against Whites.

It would appear that the conception behind the Bill is that Africans shall have no rights in White areas of the Republic and that they will only be allowed in to work for Whites in such manner as may best suit the Government.

A careful study of this Bill makes us conclude that while workers are to be pushed out of prescribed areas, i.e. including all the Urban and Industrial areas in the country, and can even be arbitrarily removed from the employment they have, there is nothing to ensure that this will only be done if other suitable employment with comparable wages is available elsewhere.

From our experience of the position at present we know that people are sent out of urban areas even if there is no employment available elsewhere and/or without the worker being informed of where he can definitely obtain similar adequately paid employment.

It would seem that the Africans not wanted by the Government in towns are to be sent to African areas where, as everybody (including the Government) knows there is virtually no employment available.

Indeed the Bill evidently contemplates a concentration in these areas of settlements or camps of displaced persons which will serve alike as dumping grounds for their dependants and as sources of cheap migrant labour for White employers whose wages and conditions of employment would not attract "free" labour.

While sums of money are to be expended on the provision of houses in the Reserves no provision has been made to provide adequate opportunities for employment for the Africans who are to be removed from prescribed areas.

The Tomlinson Commission made it clear that only about half of the population of the African areas at that time could make a living from the land, and that the other half had to be provided with other avenues of employment if they were to earn enough to support themselves and their families. Avenues of employment for these people have not as yet been provided and yet it is now proposed...



proposed to send thousands more Africans back into these non-viable Reserves.

The Black Sash believes that the increasing number of disturbances and the recent outbreaks of violence on the part of Africans are a direct result of the harsh, unjust, discriminatory laws which so bedevil every aspect of the daily lives of Africans in the Republic. So far the Western Cape appears to have suffered from the strictest application of the existing laws, but under this new Bill Africans throughout the whole country can be as adversely affected as those of the Western Cape are at the moment. In the opinion of the Black Sash this is likely to drive the majority of Africans to a point of complete desperation, and to cause them to form or to join wholly undesirable organisations as being the only way left open to them to bring about change.

Laws which are unjust can never help to ease race frictions but only to increase them.

To perpetrate such an abuse of the power which Whites have over the lives of Blacks by virtue of their political dominance would be to the everlasting disgrace of White South Africans in general and of the Nationalist Government in particular and therefore every member of the White electorate has an inescapable duty to see that these injustices are not inflicted on the politically helpless Black section of the community.



THE BLACK SASH - CAPE WESTERN REGION

Office: 2, Atgor Chambers,  
Ralph Street,  
CLAREMONT. C.P.

20th March, 1963.

We are deeply distressed by the likely effects of the draft Bantu Laws Amendment Bill published in Government Gazette No. 430 dated February 8th 1963.

Having run an office which advises Africans on the difficulties caused by Influx Control, we are taking the liberty of sending you the enclosed Memorandum on this draft Bill, which has been drawn up after detailed and prolonged study of the Bill.

*Maira Henderson*

MOIRA HENDERSON  
CHAIRMAN.



DEFINITIONS:

PRESCRIBED AREA.

A prescribed area is one in which no African may live or work without special permission from the authority concerned, unless he has either worked in that area for one employer for a period of 10 years without a break, or lived in the area for 15 years, without a break.

RELEASED AREAS.

Released areas are those scheduled by the Government under the Native Trust and Land Act of 1936 for acquisition and future occupation by Africans or which Africans can lawfully acquire for themselves.