

THE INDIAN COLONIAL REVIEW

A MONTHLY RECORD

OF

The Status and Doings of Indians in British Colonies and Foreign Countries
and an Advocate of Equal Rights of British Citizenship within the Empire.

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Menace to Indian Migration

Indians at home and abroad should conserve their energy and consolidate their resources
to effectively fight this Menace all over the World.

Join the "Indian Colonial Society"

Which works for the removal of this Anti-Indian feeling through cultural contact with
All Nations.

You may ask.

What is Culture?

Culture in an indefinable term which implies the uplift of the human race by the develop-
ment of all human faculties by a proper or correct study, understanding and practice of religion,
art, science, trade, industry. etc., in their relation to conduct between Individuals and Societies.

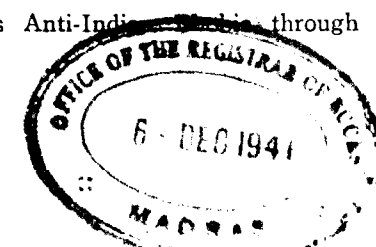
Thus it covers a very wide field of human relationship in all its bearings for the uplift of
humanity.

The Secretary,

THE "INDIAN COLONIAL" SOCIETY

28, Pedariar Koil Street,

G. T. MADRAS



THE OBJECTS OF THE INDIAN COLONIAL SOCIETY

President :

Sir G P. RAMASWAMI AIYAR. K.C.I.E;K.C.S.I.

The objects of the Society shall be :—

- (a) to bring about by organised work a closer and more intimate acquaintance between Indians at home and those abroad,
- (b) to encourage the voluntary emigration of educated men and skilled labourers and to provide facilities for the colonisation of the unoccupied or less populated tracts of India (including the Native States), the British Empire and other parts of the world,
- (c) to open up communications with Indians abroad for the development of the trade, commerce and industries of the Mother Country & the formation of a Bureau of Information on these subjects.
- (d) to form a Labour Agency for supplying surplus labour to different parts of India, the colonies and foreign countries and to disseminate correct information about them & to create work in India or abroad by having an Employment Bureau,
- (e) to start an *Indian Colonial Fund* to promote the material and cultural progress and general welfare of Indians all over the world by taking up domestic and foreign propaganda and organising work and to pay the expenses of the printing and publication of Journals, leaflets, travelling agents and representatives of the Society, the awarding of scholarships and prizes for the encouragement of the study of economics of emigration, colonisation and kindred subjects,
- (f) to hold periodical lectures and conferences in India or abroad and to render all help to those who wish to travel abroad either as tourists or business men and
- (g) to secure equal rights of British Citizenship within the Empire, and such others as may be conducive to the best interests of the Mother Country and the colonies.

The Society invites the co-operation of all individuals and bodies which have similar aims and objects.

LIFE MEMBERS

We have the pleasure to announce that the late additions to the Life Members of the Society are :—

- 1 MR. C. JINARAJADASA—Theosophical Society, Adyar.
- 2 MR. C. A. BUCH—Bombay.

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The Indian Colonial Review

(FORMERLY THE "INDIAN EMIGRANT")

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AN INTERNATIONAL MEDIUM OF

Emigration, Colonisation, Trade, Travel, Labour, Sociology and Politics.

The only Journal advocating the cause of Indians abroad, recording their life, thought and activities and safeguarding their interests in the Colonies.

OCTOBER, 1941.

EDITORIAL NOTICE

THE EDITOR solicits contributions from colonial residents, English or Indian and others, on problems germane to the topic particularly those directly bearing on India and the Colonies. Articles should not ordinarily exceed two thousand words. Indians living or travelling abroad are especially requested to write to us of their experiences in foreign lands. Such correspondence should be informative. The Editor; "The Indian Colonial Review"

is not responsible for opinions expressed by writers or statements made by correspondents.

Photographic views and representations of Indian life in British Colonies and foreign countries will be thankfully received and they will be paid for if accepted. They should be accompanied, in every case, with a short description.

India to be within or without the Empire

AN ENGLISHMAN SPEAKS OUT

"We have blundered badly in India. While we have expressed our intention to free every other country, we have made special reservations about liberating India. And this has caused the deepest resentment among Muslims and Hindus alike. Why do we hesitate? Because we fear that if we relax our hold, India will fall to pieces. But why have such fear? The Indians are no fools. They have as much political and military sense as the Chinese, the Japanese and the Russians. And they are an exceedingly proud and sensitive people, to whom it is galling beyond measure to be treated less liberally than we treat the Egyptians, the Syrians, the Arabs and the Abyssinians. It goes against the grain with an Englishman to keep a single human being within the Empire, who is not proud to belong to it.

Indians, it comes as a bitter reproach that we should treat Indians as anything else than most loyal comrades and affectionate friends. Trust an Indian and he will stick to you untill death. Offend an Indian and he will raise hell.

"Surely we are a great enough people to stop niggling over this matter and do the big and gracious thing—give them a definite promise that the very year after the armistice we will leave it to them to decide whether or not they wish to remain within the Empire. A hundred reasons may be given against this. But if there were a thousand, they should step aside by the single consideration; the good name of England. It may 'lose' us India, but we shall have gained our own soul. And the soul of England is worth many Indias."

"To myself personally, who was born in India and have for the last 59 years been closely connected with

SIR FRANCIS YOUNGHUSBAND: in *The Times* of Oct. 15.

Post War Problem of Indian Migration • NEED OF PLANNED COLONISATION

Britain's Justification As A World Power Depends On Solution Of This Gigantic Problem

THE hope that the claim of India for colonies will not go by default this time, is expressed by Mr. T.K. Swaminathan, Organising Secretary of the Indian Colonial Society, when he was in Calcutta, in a statement to the Associated Press on the post-war problem of Indian migration.

Mr. Swaminathan says that the real cause of the present war hangs on the colonial issue. Therefore, in any readjustment of territorial distribution of the world between the warring parties, India, as a unit and partner in the British Commonwealth, must have a voice in this international arrangement.

The first part of the question, namely the claim of India, observes Mr. Swaminathan, is easily answered by this explanation that the sacrifices India has made and is still making in men and money in the present war—in spite of the efforts of certain propagandists to the contrary—entitle her to a fair share in the colonial readjustment which Britain may enter into with the Axis powers at the time of the Armistice.

Tanganyika Territory

He recalls that it was suggested after the close of the last war that Tanganyika should be offered to India as war prize, to be treated as her mandatory territory. Public opinion in India at that time was in slumber and consequently India had lost that splendid opportunity of pressing this demand and of finding an outlet for her surplus population. The only condition on which the stability and integrity of the British Commonwealth of Nations should depend is that the population of the Commonwealth alone, be it white, black or brown should fill the great empty spaces of the British empire and not necessarily by the British stock or by any alien white races. The closed door Commonwealth immigration policy raises an issue to-day which India in the interest of her teeming and overflowing population—as the latest census would indicate—cannot ignore, if membership in the Empire means anything. If India is not vigilant now and does not wake up from her slumber, the doors the commonwealth would be closed for ever, either in the tropics of Africa or Australia or in the temperate zones of Canada or New Zealand.

Emigration—Not Dumping 191806

Dealing with the basis of arrangement in this regard, Mr. Swaminathan says that population problems have been treated by Imperial statesmen in the light of their Imperial necessities. If British plantation capitalists wanted labour to work

up their estates of sugar, coffee or tea in the Colonies or Dominions, the Government of India as the repository of the huge labour force in the world used to send shiploads of it to those places, assuring the labourers, of course, bare subsistence and securing them nothing else as in the old days of indenture. But the days of dumping are over and those of organised emigration have come. Hence forward no part of the Empire must consider emigration from the point of view of its own interests and needs. It has to be studied in a scientific manner so as to be of value to the whole empire, not merely of a section or class of people.

He adds that India has already earned a name in this war for the gallant sacrifices of her troops. Mahrattas, Sikhs, Rajputs, Mahomedans etc. in Europe, Eritrea and Abyssinia. He hopes that the claim of India for colonies will not go by default this time.

Planned Colonisation

Mr. Swaminathan concludes: "What is, therefore, needed is a planned colonisation for the British empire as a whole and as the Dominions. Colonies and Protectorates will all be anxious after the war to increase their population and develop their resources, the manpower of the Empire must be likewise adjusted, having regard to the inequalities in density of population, the development of the Empire resources and the economic welfare of the members of the Commonwealth as a whole. If Britain should solve this gigantic problem of post-war reconstruction of Empire migration by adopting a policy of the open door, not merely for white immigration, but for all members of the Commonwealth, particularly Indian people who number one-fifth of the human race, she would justify her existence for continuing as a world power for the good of humanity and the peace of the world."

WHAT CULTURE MEANS TO HUMANITY

By RT. HON. SRI AKBAR HYDARI.

AT the present moment, the soul of the world is at stake; all the cultural and spiritual values for which humanity has stood are being weighed in the balance. Mathew Arnold had hoped that Culture would triumph over Anarchy; five centuries before him Ibne-Khaldun, pronounced by competent European authorities as the Father of Philosophy of History, had predicted the triumph of the inherent vitalism and cohesive rationalism of Islamic culture; but in the present state of anarchy is there any chance of the survival of Culture?

I shall try briefly to explain my own conception of what real culture is and what it means for humanity, so that we may be able to judge the extent of the danger which faces mankind at this hour of its destiny. A nation may develop knowledge, science and art, but if in its general outlook, its habits of life and thought, it is governed not by knowledge and truth and beauty and high ideals of living, but by the gross, vital, commercial view of existence, that nation may be called civilized in a sense, but it is not the realization of a cultured humanity. In the words of Sri Aurobindo Ghosh, "Not to live principally in the activities of the sense-mind, but in the activities of knowledge and reason and a wide intellectual curiosity, the activities of the enlightened will which make for character and ethical ideas and a large human action, not to be governed by our lower or our average mentality but by truth and beauty and the self-ruling will is the ideal of a true culture and the beginning of an accomplished humanity." I shall have occasion to quote very often in the course of this article Sri Aurobindo, to whose writings, and to those of the great mystics of Islam taught by Hazrat Ali, I owe a great deal, and to whom, it may be recalled, Tagore said: "You have the Word and we are waiting to hear it from you, India will speak through your voice to the World, Harken to me."

True culture then consists in the pursuit of mental ideals of Truth, Good and Beauty for their own sake. Judged from this standard, we can say that in so far as modern civilization has turned all its intellectual and scientific achievements to commercialism, soulless materialism and to gross uses of vitalistic success, it is definitely inferior in culture to ancient Athens, to Italy of the Renaissance, to ancient India of Asoka or Vikramaditya, or mediaeval India of Akbar or Shahjahan. In modern Europe, the satisfaction of the life-power in man, of the vitalistic, the dynamic being is considered to be the chief concern of a large section of mankind. Modernism means to many a crude sort of lifeless scientific existence, which Imam Ghazali aptly described as the most retrograde step ostensibly towards "planned evolution." "The ancients regarded this life as an occasion for the development of the rational, the ethical, the aesthetic, the religious being. Greece and Rome laid stress on the three first, Asia went further and made these also subordinate, looked upon them as stepping-stones to a religious consummation."

This spiritual turn is well illustrated in Art, which is identical in its spiritual aim and principle with the rest of Asiatic culture in one of its most resplendent forms in India—the frescoes of Ajanta. The European artist uses his eyes and hands to produce a "colourable" imitation of Life and Nature, and through it gives artistic expression to life, action, passion, emotion, idea, nature, seen for their own sake, and for aesthetic delight in them. The Eastern artist knows something more that is behind these things. The highest business of his art "is to disclose something of the Self, the Infinite, the Divine to the regard of the Soul, the 'Self through its expression, the Infinite through the living finite symbols, the Divine through his power.'" He has not for instance "to create for us the human face and body of the Buddha, or some one passion or incident of his life, but to reveal the calm of Nirvana through a figure of the Buddha, and every detail and accessory must be turned into a means or an aid of its purpose." Take Architecture in which form also India possesses some of its highest expressions. "The Taj," as Sri Aurobindo observes in his *Defence of India*, "is not merely a sensuous reminiscence of an imperial amour or a fairy enchantment hewn from the moon's lucent quarries, but the eternal dream of a love that survives death. The great mosques embody often a religious aspiration lifted in a noble austerity, which supports and is not lessened by the subordinated ornament and grace. The tombs reached beyond death to the beauty and joy of Paradise."

It is often asserted that the spiritual preoccupation of the Indian people was the cause of their failure in life and ultimate subjection to foreign rule. But the greatness of India in philosophy and literature, her long tradition of architecture, sculpture, painting, her history of making of empires and breaking of empires all go to show that the people of India were not deficient in will and vital force. India could not bring about her political unification on account of the vastness of the country and the primitive means of communication and that was why she was conquered, though not without a long and obstinate struggle. Now, with modern means of communication India is rapidly becoming one in political life. An India, politically free and re-established in her spiritual culture, synthesised, as I conceive it, on new and larger lines, is destined to be a great power in the general uplift of humanity.

But across this fall the grim shadows of Nazism, which represents the very antithesis of our spiritual civilization and culture. Nazism does everything to undermine and destroy spiritual possibilities of mankind. To understand the Nazi view of life and its menace to culture, we have to bear in mind two psychological truths, First, the ego, in which we feel ourselves as an independent entity fundamentally different from others is not our real self; in our true self, we are one with God and all humanity; the fulfilment of the individual is not the utmost development of his egoistic intellect, vital force, physical well-being and utmost satisfaction.

Any solution of the Indo-Ceylon or Indo-Burma immigration problems now agitating the mind of the world must be based on the above principles.

of his mental, emotional, physical cravings, but the flowering of the Divine in him to its utmost capacity of wisdom, power, love and universality and through this flowering his utmost realization of all the possible beauty and delight of existence." The German demand for *lebensraum* or life-space would have been legitimate if it had been made in the golden rule "Live and let live"; but she is seeking it in an egoistic, brutal way, and the ego can never be satisfied. No expansion of the borders of Germany will satisfy the German demand for life-space. A German General has recently said, "We must think in terms of planets and the entire space is our home." The attempt to satisfy the ego always leads to an eternal struggle with other egoisms, a mutual wounding and hampering, even a mutual destruction in which if we are conquerors today, we are the conquered or the slain tomorrow.

The second truth which the individual has to grasp is that he is not only himself, but is one with all his kind. "Every time the society crushes or effaces the individual, it is inflicting a wound on itself and growth. The individual too cannot flourish by himself; for collectivity is his source and stock and its depression strikes eventually at his own source."

These two truths apply not only to the individual but to the nation and the Nazi view of life can be summed up thus: (1) Since the individual is only a cell of the collectivity, his life must be entirely subservient to the efficient life of the nation. This German cult of the State and the annihilation of the individual has been adopted by the Totalitarians. (2) The Service of the State and the community is the only absolute rule of morality. In relation to other States the effective law is that of brute force. (3) Since survival of the best is the highest good of mankind and the survival of the best is secured by the elimination of the unfit and assimilation of the less fit, the conquest of the world by German culture is the straight path of human progress.

The above view about the German conception of life appeared in Sri Aurobindo's *Arya* during the last European war and it has been amply corroborated by recent events, and by Hitler's *Mein Kampf*, the Bible of the Nazi movement. It asserts that some races are Aryan or Nordic (the use of the latter word excludes the the Aryan ancestors of Indian races); of these the chief is the German, and the advance of mankind can only be achieved by the domination of the German over all inferior races, and the increase of their numbers by every means possible. Hitler says in that book he has no use for "Oriental Mountebanks." He further states, "It is a crime against the Creator to train the dark races for intellectual careers."

What I have said before is sufficient to show the fate which awaits humanity and human culture if the Nazis can dominate the world. If culture signifies sweetness

and light, Nazi Culture signifies bitterness and darkness. To protect humanity against the aggression of this sort of barbarism and secure peace and order in a world in which culture and spiritual values can flourish and man can have the utmost realization of the full beauty and delight of existence, it is necessary to evolve an international authority or World-Union, which will prevent anarchy and war, just as peace and order is maintained within the borders of a country by its Government. The article in the *Arya*, more than 20 years ago, suggested a system of free and natural groupings under a World-State, which would leave no room for internal discords, incompatibilities, repression and revolt as between race and race or people and people. "In principle then," the article added, "the ideal unification of mankind would be a system in which, as a first rule of common harmonious life, the human peoples would be allowed to form their own groupings, according to their natural divisions of locality, race, culture, economic convenience, and not according to the more violent accidents of history or the egoistic will of powerful nations whose policy it must always be to compel the smaller or less timely organized to serve their interests as dependants, or obey their commands as subjects."

We seem at the present moment to be far away from such a rational solution, and indeed at the opposite pole of human potentialities; we have swung back to international disorder, and to the vital and animal principle of the struggle for survival, not of the humanly fittest, but of the strongest. But the very intensity of this struggle and disorder may be the path. Nature has chosen towards the true escape from it; for it is becoming more and more evident that a long continuance of the present international state of humanity will lead, not to any survival, but to the destruction of civilization, and the relapse of the race towards barbarism, decadence, and evolutionary failure. The antipathy or hostility or distrust of nations, races, cultures, religions towards each other is due to the past habit of egoistic self-assertion, for encroachment upon the *lebensraum* of another, and the consequent sense of unfriendly pressure, the fear of subjugation or elimination and oppression of the individuality of one by the other. A state of things must be brought about in which mutual toleration is the law, an order in which many elements, racial, national, cultural, spiritual can exist side by side and form a multiple unity; in such an order all these antipathies, hostilities, distrusts would die from lack of nourishment. That would be a true state of perfectly developed human civilization, a true basis for the higher progress of the race. In this new order, India, with her spiritual culture turned towards the highest aims of humanity, would find her rightful place, and would become one of the leaders, of the human evolution, by the greatness of her ideals and the capacity of her peoples for the spiritualization of life.—*Art And Culture.*

INDO-CEYLON JOINT REPORT

PUBLIC OPINION INVITED

NEW DELHI, October 16.

The status and rights of Indians in Ceylon which were threatened by the recently proposed Ceylon Government's Immigration Ordinance are sought to be safeguarded and in some respects improved in the joint report published to day of the Indian and Ceylonese Delegations to the Exploratory Conference held last month in Ceylon.

The report is being published in order to enable the public to express opinions on it. It has already been considered and commented upon by the Standing Emigration Committee. A decision on the question whether the report is to be placed before the Assembly during its autumn session is expected to be taken by Mr. Aney. The report is being simultaneously published in Ceylon, and it is announced that both the Governments will arrange for a final exchange of views on it in due course.

It is explained that the Indian delegation, in the course of the negotiations, remained in touch with a Committee of Eleven representing the different Indian organisations in the Island. It was however, not the intention that this Committee should commit itself to the report. The Indian community is free to express its opinion after the document is published.

The report gives the terms agreed to under six heads namely (1) Immigration and re-entry (2) quotas, (3) franchise, (4) registration, (5) status and (6) general provisions. The report says:

The discussions between the delegations from the Government of India and the Government of Ceylon, which terminated unsuccessfully in Delhi in November, 1940, were renewed at the invitation of the Government of Ceylon at Colombo in September 1941. The resumed conversations were directed towards particular subjects upon which disagreement had arisen between the two countries. It was clearly understood that the concurrence of views expressed during the conversations upon individual points should not be construed as effective agreement unless an agreement was reached over the whole field of discussion.

Exhaustive consideration of the following subjects:—(1) Immigration and re-entry (2) quotas, (3) franchise, (4) registration, (5) status and (6) general provisions resulted in the agreement set out below.

PART I—IMMIGRATION AND RE-ENTRY

Section A.—New entrants, i.e., persons entering Ceylon from India for the first time after the date when the Immigration Ordinance comes into force.

The discussion proceeded mainly on the basis of the draft Immigration Ordinance published in Ceylon on February 26, 1941. The Indian Delegation put forward the following proposals:—

(1) That permits should take the form of an endorsement on a passport:

(2) That the Minister should be advised by an Immigration Board, on which Indians should be represented;

(3) Any proposals for the imposition of quotas (whether in the form of labour schedules or internal quotas) together with the advice of the Immigration Board should be referred to the Government of India for comment;

(4) That there should be no discretion regarding the entry of wives and minor children of persons to whom entry may in future be permitted;

(5) That discretion to refuse entry should be limited in the case of persons to be employed in positions of confidence or for specialised work; (the intention is explained to be that the discretion should not be used as a restrictive measure in the case of these persons).

(6) That fees chargeable for endorsements should be as low as possible, regard being had to the cost of administration.

Subject to the drafting of a suitable formula for persons covered by (5) above the Ceylon delegation felt that there should be no difficulty in meeting the Indian Delegation's wishes on the points raised.

Section B—Re-entry of Indians who are not new entrants.

(1) Undesirables, destitutes and persons, prohibited by existing law from entering Ceylon or liable to deportation thereunder to have no right of re-entry;

(2) Persons repatriated to India in accordance with the existing law or the existing administrative arrangements to be subject to the provisions of the Immigration Ordinance;

(3) In the event of the Ceylon Government undertaking to provide at their own expense facilities for repatriation to India, persons so repatriated to have no right to re-enter Ceylon save in accordance with the provisions of the Immigration Ordinance, provided that repatriation. (a) is voluntary, (b) involves monetary compensation in excess of a passage to India, (c) is accepted by the repatriate on the explicit understanding that he will be subject to the provisions of the immigration ordinance;

(4) Persons possessing a domicile of origin or a domicile of choice or a certificate of permanent settlement shall have the right to re-enter Ceylon, provided however, that the holder of a certificate of permanent settlement shall not be granted a return endorsement valid for a period exceeding twelve months;

(5) Assisted unskilled labourers, with less than five years residence in Ceylon on the date of the Agreement, to be subject to the provisions of the Immigration Ordinance;

(6) Unassisted unskilled labourers with less than five years residence in Ceylon on the date of agreement to have the right to re-enter Ceylon only if returning to employment under the same employer or to guaranteed employment of the same class;

(7) Persons not included in (4), (5) or (6) above with three years residence or more in Ceylon on the date of the agreement shall have the right to re-enter Ceylon and to seek employment;

(8) Persons not included in (5) or (6) above, with less than three years residence in Ceylon on the date of the Agreement shall have the right to re-enter Ceylon only if returning to the same means of livelihood or, if employed, to any employment under the same employer;

(9) Wives and minor children may not be refused permission to enter or re-enter Ceylon for

the purpose of joining the husband or father as the case may be;

(10) Persons seeking to re-enter Ceylon other than in virtue of the preceding paragraphs to be subject to the provisions of the Immigration Ordinance;

(11) A right of re-entry in virtue of any of the preceding paragraphs, except, in respect of persons possessing a domicile of origin or a domicile of choice, will be lost after a continuous absence from Ceylon of more than twelve months.

PART II—QUOTAS

(1) Indians possessing a domicile of origin or a domicile of choice or a certificate of permanent settlement or having been resident in Ceylon for seven years or more on the date of Agreement to be exempt from the operation of any quota legislation;

(2) Any Indian resident in Ceylon for three years or more but less than seven years on the date of the Agreement to be exempt from the operation of so much of any quota legislation as applies to the same class of employment as that in which he is employed at the time the legislation comes into force. If such person completes seven years residence in Ceylon, he shall thereafter be exempt from the operation of any quota legislation;

(3) Any Indian resident in Ceylon on the date of the Agreement to be exempt from the operation of so much of any quota legislation as applies to any employment the service of the person who is his employer when the legislation comes into force;

(4) Indians resident in Ceylon for less than three years on the date of the Agreement shall qualify only for the exemption conferred in paragraph (3) provided that any such Indian who may, consistently with the terms of the Agreement subsequently qualify under paragraph (1) shall be entitled to the exemption conferred by that paragraph.

PART III—FRANCHISE

The State Council (Elections) Order-in-Council to be amended so as to provide as follows:—

Section A—Indians entering Ceylon for the first time after the date when the Immigration Ordinance comes into force.

(1) A class entrants to be entitled to be registered on satisfying the literacy and property qualifica-

tion and after five years residence, on establishing a domicile of choice to the satisfaction of a court;

(2) B class entrants to be entitled to be registered only on satisfying the literacy and property qualification.

Section B—Indians resident in Ceylon prior to the date when the Immigration Ordinance comes into force.

(1) Birth in Ceylon of parents either or both of whom were born in Ceylon to be sufficient proof for registration as possessing a domicile of origin, birth outside Ceylon during the temporary absence of the mother to be deemed birth in Ceylon.

(2) Registration as possessing a domicile of choice to be made only on production to the registering officer of proof that the person to be registered has satisfied a court that, after having had five years' residence in Ceylon, he has acquired a domicile of choice in Ceylon according to the rules of English law regarding the acquisition of a domicile of choice. (Administrative arrangements to be made to facilitate the establishment of such domicile as cheaply and readily as possible);

(3) Qualifications to obtain a Certificate of Permanent Settlement:

(a) a declaration that the applicant has an intention to remain in Ceylon indefinitely;

(b) proof of a means of livelihood;

(c) if married, proof that his wife and minor, unmarried children, if any, ordinarily reside with him, provided that no Indian who at the date of the agreement is registered as a voter, but whose wife by any personal law or custom is either precluded from joining or justified in refusing to join her husband in Ceylon, shall be treated as disqualified for the franchise by reason only of the fact that he is married and his wife does not ordinarily reside with him.

(d) the prescribed period of residence prior to application to be seven years for persons who are married at the time of the application and over 10 years for other persons, provided that such period of residence shall have been completed within 4 years from the date of the agreement.

(e) continuous absence of more than one year prior to application to constitute a break in any

qualifying period of residence and, after registration as a voter, to involve removal from the register.

The provisions in the State Council (Elections) Order in Council, both as to appeals to the Governor and as to disqualification to special privileges, not to be changed—it being understood as regards the latter, that (i) the position of the Agent of the Government of India (ii) the existing arrangements regarding repatriation, remain unaffected.

(4) Provision to be made for the grant of a Certificate of Permanent Settlement to the child of a holder of a Certificate of Permanent Settlement and for his registration as a voter by virtue of such Certificate, subject to the following conditions:—

(a) he shall have been born and bred in Ceylon, or if born outside Ceylon, shall have accompanied his father to Ceylon or joined his father in Ceylon before attaining the age of fourteen and shall, during minority or the period of minority since his first entry into Ceylon, have been resident in Ceylon, provided that temporary absences due to the causes mentioned in Part VI, paragraph (4) shall not constitute a break in residence;

(b) he shall be resident in Ceylon on the date of his application for the certificate;

(c) such application shall be made within three years after attaining majority;

(d) he shall declare his intention to remain in Ceylon indefinitely;

(e) he shall, on making the application prove that he has a means of livelihood in Ceylon and if married has his wife and minor children, if any, ordinarily resident with him.

PART IV—REGISTRATION

It is agreed that to give effect to the provisions of the Agreement in regard to the right to enter and re-enter and liability to immunity from the operation of internal quota legislation, as also to maintain accurate records of immigrants and to compile labour schedules, registration is necessary. It should be either voluntary or, if compulsory, applicable to all residents in Ceylon.

PART V—STATUS

(1) It is agreed that, as regards future legislation other than the legislation necessary to give effect to the Agreement, there shall be no differen-

tiation in treatment between Indians who possess a Ceylon Domicile of Origin or Choice or a Certificate of Permanent Settlement and other members of the permanent population.

(2) It is agreed that as regards future legislation other than legislation necessary to give effect to the Agreement there shall be no differentiation of treatment between other members of the permanent population and any Indian who is the child of a holder of a Certificate of Permanent Settlement (a) during minority or, (b) after attaining majority, if he is ordinarily resident in Ceylon and has identified himself with the permanent population of Ceylon.

(3) It is agreed that, as regards existing legislation, no amendment need be undertaken to modify any provisions which, in terms or in operation, are discriminatory.

(4) It is agreed that Indians, other than those possessing a domicile of origin, (a) should not claim the right to appointment to Ceylon Government service under quasi-Government bodies, provided, however, that Indians already serving under Government or quasi-Government bodies, will be entitled to continue in such service without discrimination, and (b) should not participate in the benefits of the Land Development Ordinance.

PART VI—GENERAL PROVISIONS

(1) Wherever domicile of choice is referred to herein, it means a domicile of choice established in accordance with the procedure prescribed in Part III, Section B paragraph (2).

(2) Wherever domicile of origin is referred to herein, it means a domicile of origin established according to the rules of English Law except in the case provided in Part III, Section B, paragraph (1).

(3) Wherever a period of residence is prescribed herein, the period shall be computed in accordance with the following provisions :—

(a) As regards a period of residence prior to the date of the Agreement, the prescribed period shall be exclusive of an aggregate allowance for temporary absence at the rate of five months for every year of the period prescribed.

(b) As regards a period of residence after the date of the Agreement, the prescribed period shall be inclusive of an aggregate allowance for temporary absence at the rate of one and a half months for year prescribed ;

(c) any continuous period of temporary absence shall not exceed one year ;

(d) any continuous period of absence exceeding one year shall constitute a break in the period of residence in Ceylon ;

(e) any period of absence shall not be deemed to be exceeded if return to Ceylon is prevented by illness, accident, emergency or other similar cause.

(4) Any person not entitled to a return endorsement valid for a period exceeding one year who desires to leave Ceylon for purposes of education or health for a period exceeding one year shall, on establishing to the satisfaction of the prescribed authority the purpose of his absence, be entitled to a return endorsement for the requisite period and, continuous absence for more than one year in conformity with such purpose shall not be deemed to be a continuous period of absence for more than one year.

(5) It is agreed that any unforeseen case or any case of hardship which may be revealed in the operation of the Agreement will be made the subject of consultation between the two Governments and will be decided in accordance with the spirit and intention of the Agreement. Agreement between the two delegations having been reached on all the subjects discussed, this joint report is now submitted by them to their respective Governments. The delegates wish to record that the conversations took place in an atmosphere of complete candour cordiality and goodwill.

Indo-Ceylon Talks

COMMENTS ON DRAFT AGREEMENT

Disappointment Among the Ceylon Indian Congressmen.

Declaring that the report of the Indo-Ceylon Conference has caused dissatisfaction to the Indians in Ceylon, the Ceylon Indian Congress in the course of a statement says, "The agreed conclusions if given effect

to will create in Ceylon a helot class of Indians as bondsmen under same masters or in the same employment, divide the Indian population into numerous categories with varying degrees of disabilities convert

large class of persons really possessing domicile of choice and their descendant's into an inferior class of permanent settlers and impose unjustifiable restrictions in employment and re-entry altogether, ignoring definite undertakings extended in the past and rendering the position of Indians much worse than what it is at present."

Remarking that the conclusions reached by the Conference are haphazard and lacking in principle, the statement adds that a statesmanlike agreement would take into account future unification between the two countries and would not proceed on the basis of permanent separation.

Colonisation Facilities.

The statement points out, "Far from doing away with vague and illusory theories of domicile of origin and of choice the report seeks to perpetuate them." It is mockery, it says, to expect an illiterate Indian estate labourer to establish in court of law his domicile of choice according to standards of English law but even the domicile choice established so elaborately does not secure equality of status with the permanent population. Estate workers, numbering seven lakhs, even if they establish the domicile choice, would still be landless and villageless when their services terminated as they would be excluded from colonisation facilities.

Remarking that acquiring of certificate of settlement is made many times more difficult than now with the period of residence extended from five to seven years, the statement points out that an Indian will have to produce proof that he is living with his family in Ceylon, has means of livelihood in Ceylon and renounce claims to special rights, if any—all to enable him to acquire vote exercised ordinarily once in five years and that in a land where adult franchise prevails and every person walking in the streets, has a vote. The statement fears that under the agreement future immigrant workers would be reduced, "to obnoxious indenture conditions" and warns that internal employment of quotas will, in administrative practice, prove to be a permanent source of severe harassment.

The Discrimination.

Observing that discrimination under the existing legislation which has been denied all along has been admitted in the report and is proposed to be perpetuated, the statement opines, in their anxiety to arrive at a

settlement the Indo-delegation gave up completely the position they had taken up during the Delhi discussion, and draws attention to the "vast difference between stands taken at Delhi and Colombo."—A. P.

Press Comments.

Defective as the agreement is in several respects, it affords a basis of further negotiation, says the "Hindu" commenting on the Indo-Ceylon Draft Agreement.

It should be the endeavour no less of the Ceylonese leaders than of India, adds the paper, to examine the proposals and the opinions expressed thereon dispassionately and with a determination to adjust differences to mutual advantage.

Concluding, the paper says: India only desires that Ceylon should discharge her obligation to treat as citizens those "who have made the island their home and who agree to become "an Indian Ceylonese" instead of being a Ceylon Indian."

Ceylonese Views.

While generally welcoming the fact that basis of an agreement has been found, press comments on the report of the Indo-Ceylon Exploratory Conference show varying reactions to the terms themselves.

Characterising it as a historic document the "Daily News" says that the terms are perhaps not those which either delegations would have championed but for a genuine desire to discover a Modus Vivendi which had an element of permanence and equitable compromise. Remarking that as a bargain the conclusions are relatively less favourable to Ceylon than the terms secured by Burma, the paper adds the price paid for an agreement will not be too heavy if it means from now onward that Indo-Ceylon relations would develop in a spirit of understanding and cordiality.

The Times of Ceylon regards the acceptance by the Indian delegation of the principle of the immigration bill as a great achievement for Ceylon. The paper adds that the terms should also satisfy Indians that their rights have not been betrayed by the Indian delegation.

The Times concludes, "The complex problem affecting somewhat conflicting interests has been solved in the only possible way, namely by compromise. Neither the Ceylonese nor the Indians got all they wanted, both delegations made certain limited concessions. The Ceylonese

are now assured that there would be no wholesale swamping of their interests by unchecked invasion from India. The Indians who have acquired permanent interests here are assured that there would be no discrimination against them. The basis of co-operation had been found. It is now left to Ceylonese and Indian to live together and work together as fellow citizens.

Give and Take.

Writing under the caption "Give and take" the *Observer* says that the publication of the draft agreement might confirm rather than dispel the suspicion that the Ceylon delegation had been persuaded to concede more

than the Indian did but there need be no resentment or bitterness on that score. There is genuine cause for satisfaction that it was not impossible to find the basis for agreement. The paper adds it is not unlikely that even concessions made by Ceylon will not be regarded as entirely satisfactory from the Indian view point but it is hard to see how a better bargain could have been sought by both sides without wrecking the talks.

The Indian owned Tamil paper "*Veerakesari*" writing critically on the Agreement hopes that after due deliberations on the terms by the legislature of both countries conclusion would be reached which would help to promote permanent goodwill and understanding between Indians and Ceylonese.—A. P.

RT. HON. MR. SASTRI'S OPINION

The Rt. Hon. V. S. Srinivasa Sastri, in an interview which he accorded to THE HINDU representative on the Indo-Ceylon Agreement, mentioned certain fundamental considerations which, in his opinion, should weigh in a discussion of the problem of emigration of Indians overseas.

Mr. Srinivasa Sastri said:—

Students of affairs in our country will in the next few weeks vex themselves with the consideration of the text of this Indo-Ceylon Agreement published this morning. In the hope of assisting them I shall avail myself of the courtesy of THE HINDU, and set forth, what appears to me to be, the fundamentals of this problem and in fact of similar problems.

Diminutions of citizenship and even humiliations are perhaps unavoidable. While every attempt must be made at their elimination, we must all learn to be content with such relief as we can get from time to time. It is not wise to give way to despair or indulge in desperate counsels, merely because we do not achieve a hundred per cent of our aims for the time being. Proud ratures are apt to rebel at the immense contrast between the privileged position of the Britisher in the Commonwealth and the partial citizenship of the people of India which pessimists have described as helotry.

At a Disadvantage

The second point to remember is that India is densely populated and affords no room for the settlement of outsiders, whether as labourers, or otherwise. Our people, hard-pressed for the barest subsistence, find it profitable to emigrate and if possible settle elsewhere. It is easy to see how

this disparity places us at a disadvantage. When we hear that our countrymen are oppressed and denied elementary rights abroad, we are unable to retaliate with any effect.

Owing to the political structure of the Commonwealth, the ultimate solution of all troubles and quarrels is in London. Our case has to be championed by the India Office which finds itself confronted with the Dominion and Colonial Offices. Not having attained Dominionhood, the India Office goes under occasionally and our case is lost.

In the early days of the South African struggle, Gandhiji recognised the necessity of compromise to secure elementary rights to the Indians resident in the Union. He had to abandon the theoretical right of the Indians to emigrate to that country and settle there. This compromise is now at the foundation of our negotiations with other parts of the Commonwealth. Some day in the future this may be altered, at present it is one of the postulates of the problem and cannot be ignored.

The Problem in Ceylon

In Ceylon as in Malaya and elsewhere local leaders contend that the existence of a large Indian population is a menace to their prosperity and economic welfare. Their opposition is doubtless unreasonable and the methods by which they propose to tackle the problem are harsh and fail to take account of the services rendered by our community. Patience and a disposition to give and take are required of all who negotiate. At the same time those who criticise the negotiations and appraise the terms of the Agreement must have the same qualities.

The leaders of our community in Ceylon and other places struggling for the rights of citizenship and opportunities of advancement are apt to demand that the India Government should stop the flow of labour from India and threaten the economic welfare of their oppressors. Whether there is at any given moment a plethora of Indian labour, is a question of fact and as the statistics of the question are not conclusive, the precise effect of any action by the Government of India cannot be accurately determined. Besides, is it just or expedient to deny to lakhs of our starving peasantry the means of obtaining a livelihood out of India, merely as an instrument of negotiation in the hands of politicians?

"No One-sided Solution"

As a counterpoise to the last consideration, it has to be remembered, that the welfare of the Indian people already resident abroad requires that they should not be subjected to the unlimited com-

petition even of their own nationals. Representations have reached the Government of India from Indians abroad with this end in view. The facts thus indicate that there is no uniform solution, no one-sided solution, and no final solution.

The Standing Emigration Committee of India have suggested certain amendments to the Indo-Ceylon Agreement. It is not known what they are. I have no doubt in my mind that certain of these amendments and others that public discussion may disclose would render the Agreement more acceptable and more consistent with the self-respect of India. Let us wish the utmost strength to those that advocate our cause. But let us not at the same time handicap them by impracticable demands and wholesale denunciation. It is no service to the country at large, or to the immediate sufferers, to say that the problem had better remain unsolved if it cannot be solved to our entire satisfaction.

MR. DESAI'S STATEMENT

Mr. H. M. Desai of the Ceylon Indian Congress, in a statement, said:—

"I must say that in arriving at the 'agreed conclusion', Sir Girja Shanker Bajpai's Delegation, in its anxiety to bring about a compromise yielded considerably more than the Ceylon Delegation. The stand taken up by Sir Girja Shankar at Delhi has been substantially modified; whereas, the Ceylon Delegation has practically secured all it wanted in last November at New Delhi. I am sure, a certain section of Ceylonese who after the failure of the Delhi talks characterised Sir Girja Shankar as 'an intractable spokesman of India who was determined to stick to his point as if it owed him money', will now revise its opinion of Sir Girja and give him a due need of encomium.

"I fear the Indo-Ceylon Pact will fail to satisfy a large section of Indians in Ceylon. I wonder what the modifications demanded by the Standing Emigration Committee are, but I can hope with confidence that the new member of the Viceroy's Cabinet, the Hon. Mr. Aney, will secure a revision of the bad features of the Agreement and the Ceylon Government in turn be good enough to agree, so as to ensure permanent amity and goodwill between the two friendly nations.

Domicile of Choice

"Domicile of choice is difficult to secure under the Agreement and even when secured after a laborious and expensive process it fails to confer full citizenship rights on such persons. The test to secure certificates of permanent settlement has been made very difficult compared with the Delhi test. Even after securing such certificates, their holders do not get all rights of citizenship and

stand to lose all rights, including the right of re-entry, if such persons absent themselves from Ceylon for a period exceeding twelve months.

"Moreover the Agreement creates innumerable categories of Indians in Ceylon, which is most vexatious. The principles on which the future quota legislation of Ceylon will be enacted are dangerous and unnecessary. Indians with a residence of less than three years will, under the Agreement, remain perpetual serfs, even though their stay in Ceylon may extend over their whole life. The question of securing 'village franchise' for the Indian estate-labourers—a question on which the Government of India for the first time took up cudgels with the Government of Ceylon in 1936 has been completely shelved.

These are some of the bad features of the Agreement and if such an Agreement is implemented, the cumulative effect of the various restrictions and limitations imposed upon Indian nationals in Ceylon will only result in slowly and steadily disenfranchising the Indians in the next two decades. I wish the Bajpai-Senanayake Pact had at least conceded one principle so lucidly enunciated by Mahatma Gandhi in his masterly analysis of the Indo-Burma Pact viz., one would have thought that the least that should have been done was to have automatically recognised as fully domiciled every Indian found in Burma on the date of the Agreement."

"The Ceylon Ministers on the Delegation were however, in concluding the Pact guided by a genuine desire to establish harmony and goodwill with India and from their point of view they have secured good terms for Ceylon."

VIEWS OF MR. A. R. SIDDIQUI, M.L.A.

Mr. A. R. Siddiqi, M. L. A., President of the Muslim Chamber of Commerce, Calcutta, in a statement issued to the press on the Indo-Ceylon settlement.

"It will be idle to deny," says Mr. Siddiqi, "that the Indian public is apprehensive of the doings of the delegation led by Sir Girja Shankar Bajpai where the protection of the rights and status of Indian nationals is concerned. Hush hush tactics adopted by him in the Indo-Burma negotiations should not be allowed to be repeated in the Indo-Ceylon settlement. Before the Standing Emigration Committee was asked to pronounce judgment on the recent conclusions arrived at Colombo, Indian public opinion and the opinion of Indians in Ceylon should have been made available to them. This has not been done and the joint tentative proposals for an agreement have been kept secret— (since published).

"If the reports that have appeared in a Madras paper are correct, the proposed agreement is a serious breach of confidence on the part of those who represented India at the conversations. People who are already in the Island should in no case be debarred from qualifying themselves for the rights of Ceylon citizenship. The arrangement as reported shuts out Indians who entered Ceylon after 1938. The proposed agreement is a further deterioration of the existing position of Indians in the Island. Instead of removing the discriminating injustices of the Fisheries, the Land Development and the village Communities Ordinances, the Indian Delegation is reported to have agreed to a higher residential

qualification and stricter tests of 'abiding interest' in the country."

Vested Interests of Labour.

Continuing Mr. Siddiqi says: "Ceylon was India only yesterday and Ceylon, what it is today, is due almost entirely to Indian labour. If there can be vested interests of capital, it is equally true and essential to recognise the vested interests of labour. There will be occasion to discuss the recommendations of the Indian Delegation when they are published, but I feel certain that a re-introduction of the system of labour, whether we call it assisted or indentured, will be a crime against humanity and a perpetuation of this modern form of slavery. Those who work on the estates and sweat to bring them prosperity at the sacrifice of their health and, in so many cases of life, must be assured a decent existence and their children the rights and privileges of ordinary citizens. Once an estate labourer always an estate labourer, even for generations, is an inhuman and intolerable state of affairs. It has been officially established that Indian labour does not supplant Ceylonese labour. The curve of immigration and emigration has in the past moved up or down in scientific proportion to the requirements of the Island. I understand that the Indian Delegation has agreed even to the reactionary principles of the Immigration Ordinance of February, 1941, now before the Legislature of Ceylon. I cannot conceive of anything more derogatory to the honour and self respect of India."

INDO-BURMA IMMIGRATION

Memorandum By the Burma Indian Delegation

The following memorandum has been submitted by the Burma Indian Delegation to the Standing Emigration Committee of the Indian Legislature on 7th October, 1941.

Circumstances and atmosphere in which the Indo-Burma Immigration Agreement was made.

1. The Indo-Burma Immigration Agreement affects the interests and future of more than fourteen lacs of Indians in Burma whose vested interests amount to nearly two hundred crores of rupees. In no other part of the British Empire is there such a large Indian population with interests so vast as those in Burma.

2. The procedure adopted at the time of the Indo-Burma Trade Agreement, viz. to associate non official accredited representatives of Indians, was unfortunately not followed though a request for it was made. The consequences of the omission have been obvious.

3. In Burma the delegation did consult a sub-committee of nine members of what was known as the 'Ad Hoc' Committee appointed by the Indian Chamber of Commerce. The opinion of the Sub-Committee was taken only on such terms of the Agreement as was considered necessary. This exchange of views was in strictest confidence and the members of the Sub-

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Committee had thus no opportunity to consult other members of the 'Ad Hoc' Committee or other Indians whose opinion was worth taking.

4. It was under these conditions and circumstances that the Sub-Committee agreed to such of the terms of the Agreement as were from time to time discussed with them. The Agreement as a whole or the draft of any part thereof was at no time placed before the Committee. The Agreement as finalised was shown to the Committee for the first time by the Agent to the Government of India on the 21st July 1941, just twentyfour hours before its publication. On going through the Agreement as it finally emerged, it was the unanimous opinion of the Committee that if they had known all the terms as published, they would have requested the Hon. Member to break off the negotiations.

5. From the Joint-statement issued by the two Governments viz of India and Burma, along with the Agreement, it appears that the Report of Mr. Paxter formed the basis of the negotiations. Unfortunately his report was not at that stage available to the public and the Sub-Committee at the time of expressing the views had no knowledge of the contents thereof and recommendations therein.

6. The views expressed by the Sub Committee on the few points they were consulted about were based on the advice given by an expert on the question of Indian Immigrations, like the Hon. Member, to the effect, *inter alia*,

i. that in the light of the opinion expressed by the law officers of the Government of India, the rights and privileges, which the members of the Sub-Committee thought, part V of the Government of Burma Act extended to Indians were illusory;

ii. in the event of an agreement not being entered into at that time, the Government of Burma would be at liberty to introduce legislation the terms whereof might be worse than those secured by Agreement, and owing to the peculiar conditions arising out of the war, as, for example, the strategic importance of Burma in the Far East, the Government of India may not be in a position to influence the British Government to safeguard the Indian interests as it would be able to do in normal times.

iii. the assurances given during the consideration of the Government of India Bill on the floor of the House of Commons by responsible Ministers and

Officers of the Crown could not be relied upon for the purpose of the interpretation of an Act of Parliament.

7. Since the publication of the agreement its terms have been fully examined, and legal opinion (enclosed herewith) of eminent lawyers in India has been taken and it is now found that, to say the least, the aforesaid opinion of the law officers of the Government of India is not free from doubt. As regards the question whether reference could be made to Joint Select Committee's Report, Sir Alladi Krishnaswamy Iyer says "The Chief Justice of India, in some of the recent cases before the Federal Court (*Vide e. g.*, 1939 Federal Law Reports page 47) has referred the Joint Select Committee Report as a permissible aid to the interpretation of the Constitution Act."

8. It is submitted that apart from the legal phase, the moral values of these assurances should not be so lightly ignored.

9. The Agreement does not take into account the equity, justice, and moral claims resulting from the long historical, economical, cultural and political associations of Indians in Burma. It does not recognise the fact that Indians have added to the prosperity of Burma, nor is due weight given to the part which India plays particularly to-day in the defence of the people of Burma.

In this connection we beg to draw the attention of the Standing Emigration Committee to the attitude adopted by the Chinese Delegation recently on behalf of their nationals when the Chinese Immigration question was discussed at Rangoon. The head of the Chinese Delegation is reported to have said as follows:—

"I wish to point out that the National Government is keenly interested in the welfare of the Chinese abroad and so while taking into full consideration the views and aims of the Burmese Government and the people, we have to protect the legitimate rights and interests, as well as maintain the status of the Chinese residents in Burma in accordance with treaty obligations between Great Britain and China."

II.

Why the Agreement as it stands is unacceptable;

GENERAL GROUNDS

1. It is not based on equity, justice and moral claims resulting from the long historical, economic, cultural

and political associations of India with Burma. It also does not recognise how Indians have added to the prosperity of Burma and the part which India plays even to-day in the defence of its people.

2. It ignores the fundamental rights of Indians resident in Burma and Indians having business and other connections with Burma guaranteed to them under the Government of Burma Act.

3. It violates various assurances and pledges given in the past particularly those given by the responsible Ministers of the Crown, at the time of the passage of the Government of Burma Act in regard to the right of free entry of Indians in general into Burma except those who came under the category of unskilled workers.

4. It goes counter to the very definite assurances given by the Hon Member when he called upon the non-official representatives at the time of the Indo-Burma Trade talks to make sacrifices in the conclusion of the Trade Agreement so that it would assist in maintaining the political and economic status of Indians in Burma."

5. The Trade relations and the Trade Agreement between India and Burma cannot accord with the proposals for restrictions in the entry into Burma of those who are carrying on or are interested in such trade.

6. Its terms are such as are likely to eliminate the long standing Indian Interests from Burma in the near future.

7. Various provisions are not only discriminatory but also humiliating and hurt the sense of dignity and self-respect of India.

8. It does not ensure equitable treatment to those 'who are permanently settled in Burma or have a permanent stake in that country,' as assured in the in the Press Communique issued by the Government of India on the 11th June 1941.

9. It does not even "secure for the Indian Community settled and resident in Burma recognition of their legitimate rights" as mentioned in the Joint Statement of the two Governments.

10. It is not at all justified by the facts mentioned in Mr. Baxter's Report.

11. It is deeply galling to India and Indians that India, alone, despite the services it has rendered to Burma and the long and close associations between the two countries, should be selected for such humiliating

treatment which is detrimental to its interests in the theoretical plea that each government should have the right to control the composition of its own population by means of restriction on immigration from any of the other communities."

Why the Agreement as it stands is unacceptable.

SPECIFIC GROUNDS.

Clause 1. The definition of the word "Dependent" is not acceptable as it is not comprehensive.

Clauses 7, 8, 21 & 22 should be deleted as the division of Indian immigration into privileged immigrants and A and B permit holders is not justifiable and is *ultra vires*.

It will lead, together with the operation of the quota system, to an elimination of the Indian element in the population of Burma, for the following reasons:—

- (i) B permit holders will form about 9% of the Indians in Burma and the permit being limited to 9 years will prevent their residence in Burma after that period.
- (ii) The grant of these permits is in the direction of the Government of Burma.
- (iii) The quota system will also tend to reduce the Indian element as the fixing of this quota will be solely in the discretion of the Burma Government.

Clause 13. Literacy test—Literacy test for a man asking for an 'A' permit at Rs. 500/- can only be intended to limit the number of such applicants and is unacceptable for the following reasons:—

- (i) Such a test is unnecessary for a man otherwise qualified.
- (ii) Being applicable to Indians only it is discriminatory.

Clause 14. The marriage clause being a libel on both Indians and Burmans should not find a place in the Agreement and is discriminatory being only against Indians.

Clause 15. This clause levying high fees providing a source of revenue is unacceptable. Such levy of fees is against section 45 of the Government of Burma Act as it amounts to a tax. The amount likely to be collected thus will run into several lacs per annum in the early year.

Clause 19 & 20. Domicile.....these two clauses are unacceptable as they go counter to the normal procedure to obtain domicile as known to the law now operative in Burma.

Clause 23. This clause enabling Indians to live in Burma indefinitely if they do not leave Burma even for a day is unacceptable as it is tantamount to a virtual imprisonment of the unfortunate Indians in Burma.

Clause 25. Regarding registration of Indians in Burma, is unacceptable being discriminatory and derogatory.

In view of the points mentioned above, the Agreement, as it stands is entirely unacceptable to us and we may add that our view finds support throughout the country where it has been universally condemned by all parties and by all shades of Indian public opinion.

III

WHAT INDIANS WANT.

1. The consideration of imposing restriction on immigration from India into Burma should be postponed till the war is over.

2. If that is absolutely impossible, the following fundamental points among others must be fully recognised in any agreement that may be made:—

(i) The political and economic rights of Indians resident in Burma and Indians residing in India but having property, trade, business and professional connections and other interests with Burma should be maintained as hitherto and that no restriction should be placed on their movement as between India and Burma and that they should be allowed to go from one country to the other in the future, as in the past.

(ii) That the right of free entry granted to Indians in general, except those who come under the category of unskilled workers, as is clear from the various assurances, pledges, etc., given at that time of the

passing of the Government of Burma Act, should not be affected in any way.

(iii) The imposition of restrictions on the entry into Burma in general may be considered only provided similar restrictions are imposed on immigrants from Britain and other countries. In this connection it would not be out of place to say that a proper immigration agreement between India and Burma should treat the nationals of India on the basis of the tripartite partnership upon which the present constitutional position of Burma rests and to which Burma has accorded a willing acceptance; (clause 13 of the Instrument of Instructions to the Governor of Burma).

(iv) Arrangements may be made for the imposition of restrictions on the immigration of unskilled workers as may be considered necessary in the interests of Burma but they should not have a violent clash either with the past or with the existing position in this matter.

(v) If no agreement could be arrived at, which would fully recognise, among others, the above fundamental points, the Government of India should be no party to any Agreement and should now make representations to the Secretary of State that he should not take any action in connection with the promulgation of the Order-in-Council intended to bring the Agreement into operation.

(vi) If the Burma Government remains adamant, they may be left to take the action which it is competent for them to take under the Government of Burma Act by enacting any legislative measures that they may deem proper to enact. At that time the Government of India should fight for the maintenance of the rights of Indians in the light of all aspects connected with this important question and should not hesitate to make use of such sanctions as it is possible for them to use to vindicate the honour and ensure the rights and interests of Indians resident in Burma or having business and other connections with that country.

CONDITIONS OF INDIANS IN MALAYA

Discussing the various aspects of the condition of Indians in Malaya and the Government of India's ban on the emigration of unskilled labourers to that country, Mr. R. Gopala Aiyar of the Labour Department, Kuala Lumpur, in an interview with the *United Press* said:

"This ban is a real hardship on Indians Malaya no doubt offers a splendid field for employment of Indians. Though the ban has been in existence for the past 2 years, it has not prevented several thousands proceeding to Malaya paying their own passages and it has never affected the wages of Indians on the other side. When

countries like Burma and Ceylon are imposing restrictions on Indians' entry into those countries, it is a pity India should be blind to her own advantage of finding an outlet for her surplus population by a self-denying ordinance. Nothing is more cruel than this to the general welfare of our people of all classes and it is the peoples look-out here to find out how it affects them and act accordingly. What I am more concerned about is that the ban works to the greatest disadvantage of the returning emigrants to Malaya. There are several Indian labourers working on the Estates there who have practically settled in Malaya. When such people visit India to see their relations or perform marriages or take a holiday trip after a long time and when they wish to return to Malaya, they find it difficult to come back under the ban. It is all right with clerks, doctors or merchants, but it is different with labourers who have made Malaya their home, who have small plots of land, a hut and a few livestock etc. there.

Those Indians in Malaya who have been responsible for suggesting this ban to the Government of India and who still cry hoarse for its continuance are not the class of people who know anything of the real existing conditions and facts and who are in touch with the labouring classes.

But the mercantile community and a few others who are in constant touch with the mother country are dead against this ban. In my personal opinion the sooner it is lifted the better it will be for Indians both in India and Malaya. Till such time it is completely removed a permit like that issued to Chinese emigrants proceeding to China and willing to return to Malaya may be issued by the Government so that Indians returning to Malaya may not be handicapped.

I consider that in this matter the Government of India and more particularly the Government of Madras should be far more interested than the Malayan Government.

The Government of Madras in the best interests of their own subjects who are in Malaya should afford facilities for their return to their motherland to visit the country, get into living touch with their own friends and relations and take back with them customs, manners and traditions so that they may preserve their own individuality. As the ban stands Indian labourers are reluctant to come to India, because they cannot get back to their place of employment. This ban makes them lose touch with India, making them more Malayan than Indian. Is this the aim of the Madras Government? Presumably not. They should urgently move in the matter in so far at least as it affects Indian labourers returning to Malaya.

INDIAN LABOURERS POPULAR

Proceeding Mr. Gopala Aiyar said that the Indian labourers were more popular with the planters in Malaya than the other classes of labourers.

He continued:

"They were the first to be employed permanently on the plantations. The Chinese labourers had no attraction in those days for rubber tapping and factory work. They preferred to do the more arduous work for clearing jungles and opening up of estates in the initial stages which paid them well. Then they were single men. But at present they are living in families owing to large immigration of Chinese women into Malaya from about 1932, unlike as before. They prefer to work under the shade of the estates, live in the houses built for Indian labourers and have, by reason of family life, developed love of ease that they have become more docile and accommodating than ever before. Besides they are more hardworking and industrious than others in that country. A Chinese estate labourer is 11-2 times as efficient as his South Indian fellow worker. The running of rubber plantation is after all a business proposition and not a humanitarian affair. Hence this new factor of changed outlook of the Chinese in regard to estate work plays a large part in the adjustment of labour supply to plantation industries in that country. Besides there is another factor seldom known to the outside world. In every large estate where Indians are employed, easily 60-80 per cent of working adult population have children. They have lost all touch with the mother country. Both the employer and the Governments of that country should provide work for them. If the educated Indian who clamoured for the imposition of the ban had only studied these factors, he would have adopted a different attitude. He has no contact with the working classes and his views therefore on questions of labour in Malaya are, as a rule chimerical.

"There is a considerable section of planting opinion which favours the maintenance of good relationship with India—because India is a part of the British Empire. They hold that it would be far more prudent to have a larger population of Indians than that of the Chinese. This is purely on considerations of Imperial policy. But the day to day working employer has got to view things on purely business grounds, and I have told you how the economic position is the deciding factor."

WAGES IN MALAYA

Referring to the prevailing wages in Malaya Mr. Gopala Aiyar said:—

"The minimum rates of wages of Indians is fixed by law—those of others are not similarly protected. The Chinese get wages according to the quality and quantity of work done. Undoubtedly they are more capable of looking after their interests themselves. Today the standard rates for South Indians are 50 cents for men and 40 cents for women per day and more. The wages of Japanese and Malaya are similar. The Chinese earn wages proportionate to the quality of the work turned out. They prefer to work on contract system. Chinese women near mining areas are prepared to work for 32 to 35 cents per diem and they turn out more work than women of other classes."

To a question as to whether Indians and other Asiatic employers in Malaya prefer to employ Indian labourers Mr. R. Gopala Aiyar replied:

"I much regret to say that they do not. They consider that the Indian on the whole is dear and that owing to Government restrictions imposed in the matter of housing, sanitation and health measures, they prefer to employ Chinese who work on the basis of results and not on daily wages. Besides, the Chinese do not need supervision and no charges on that score need be met."

To another question as to whether difficulties similar to those which have occurred in Burma and Ceylon would take place in Malaya, Mr. Gopala Aiyar answered:

"I do not think that it would happen in Malaya at all. The Malays have always had their lands protected against foreign money lenders. They have also

received a proper amount of protection as regards employment in public service. The principal immigrants to Malaya consist of Indians from nearly all provinces speaking different languages and Chinese of different sects and a large number of Javanese. No one race dominates any trade, work or profession. So there is no commercial jealousy. The Government is fair to all races."

Asked whether the Malayan Civil Service was open to Indians and Indians were allowed to enter the administrative services open to Malays, Mr. Gopala Aiyar said:

"The fact is those positions are not open to Indians. Times are fast changing and entry to these services cannot long be closed, seeing that by virtue of their numbers, they are second only to the Chinese. If Indian Numerical strength is kept up, it would certainly merit recognition. I do not think you can force recognition by using labour as a pawn in the game. It is good to recognise limitations and not rush fast."

NOTES AND COMMENTS

INDIAN IN TRINIDAD.

There were over 161,000 Indians in Trinidad on December 31, 1939 and they owned nearly 114,600 acres of land, says the Protector of Immigration, Trinidad, in his Annual Report for 1939. The principal crops under cultivation are cane and cocoa, the largest average (50,188 being under Cocoa) and the next largest 20,128 under sugarcane. Of the area owned 10,000 acres are uncultivated and about 12,000 given to mixed cultivation. The rest of the crops are rice, corn provisions, coffee, cocoanuts and limes.

There was a slight decrease in the number of Indian cane farmers during the year, the figure being 9,444 as against 11,145 in 1938, 13,822 in 1937.

More than 26,290 Indian Children (16,022 boys and 10,268 girls) attended schools during the year while the total number of children on the rolls in 1938 was 24,974 (15,539 boys and 9,435 girls.) 78 Indians arrived in the colony during the year and 87 left. The number of births registered for the year was 5851, the number of deaths 2721, the number of marriages 152, the corresponding figure for 1938 was 6540, 2647 and 635 respectively.

S. AFRICA AND INDIAN TRADE TRAVELLERS

The South African Government, it is announced, have agreed to admit commercial travellers from India into the Union.

In 1938 says a *communiqué*, it was brought to the notice of the Government of India that immigration laws of the Union of South Africa, under which prohibited immigrants were not entitled to obtain a licence to carry on any trade or calling in the Union, prevented the admission of Indian commercial travellers into the Union. Following representations made to the Union Government by the High Commissioner for India, the Union Government have now agreed to issue temporary permits and the necessary licences to *bona fide* commercial travellers from India.

Applications from *bona fide* commercial travellers for admission to the Union should be made through provincial governments concerned to the Government of India who will arrange to secure the necessary permits and licences through the High Commissioner for India in the Union of South Africa. We hope the commercial community of India will take advantage of it to popularise Indian goods in South Africa.

INDIANS IN NATAL

Broome Commissions Findings

The first comment on the Broome Commission's reputation of the allegations of wide-spread Indian penetration into European areas is cordially welcomed by the English Press.

The *Natal Daily News* says that such infiltration as does occur is mainly attributable to the fact that there is no other way for the Indians to find good investments or decent housing. The paper adds "The

penetration and bad housing that causes it are part of the whole wretched record of Durban's failure to grapple with its housing problems for the past quarter of a century. For the most astonishing fact in this astonishing piece of business is that there are no Indian areas. Indians here have officially nowhere to live. If the Municipality would make good this deficiency and add good roads and services, we should bear no more of Indian 'penetration'."

The *Natal Witness* says that the Commission found the penetration neither serious nor extensive, and it is due not to any nefarious design but to factors some of which are inevitable and others which, taken together, form an indictment not of the Indians but of the local Government. The abridged report teems with evidence of social neglect that can scarcely be ignored. "What has been described so facetiously as the Indian problem appears through the words of the report as a social responsibility of our City Councils."

The *Rand Daily Mail* (Johannesburg) states that it is perhaps too much to hope that the report will have the effect of checking anti-Indian propaganda in nationalist circles, but it may at least be hoped that future agitation will take some account of the Commission's findings on the reasons why Indians have sought to expand their commercial opportunities—discriminatory legislation has left them no alternative. It must be assumed, further more, that, where Indians have settled in European areas, they have done so in response to a definite public demand, for they depend largely on European customers. To condemn them for doing this is to offend against justice as well as truth.

The Nationalist newspaper, *Die Transvaler*, recalls its allegation a year ago that the appointment of the Broome Commission was a farce, designed to protect the Government against the growing unrest about the seriousness of the position. The paper declares that the scope of the Commission's investigations is wholly inadequate, because it did not include the growth of Indian penetration before 1927, and the scope already established in Indian trade or possible ways of alleviating the present unhealthy state of affairs.

"Co-operation Rather than Legislation"

The *Natal Mercury*: The Commission bears out the view that the extent of Indian penetration into the predominantly European areas is not so serious as some people imagined; nevertheless, there should be safeguards and it is hoped that the Indian community will give an undertaking that there will not be further penetration in war-time.

The paper urges that this is a matter for friendly discussion and co-operation rather than for restrictive legislation and looks forward for a round table conference with the Government of India after the war when a just settlement of the Asiatic problems can be reached.

LAND LEASE TO INDIANS IN FIJI

"The most important matter affecting the administration of native land was the enactment on Feb. 22, 1940, of the Native Land Trust Ordinance No. 12 of 1940."

says the report of the Director of Lands, Mines and Surveys, Fiji on the working of the Native Land Trust Ordinance.

The importance of this measure to Indians in Fiji has to be appreciated with reference to the system of land tenure in the colony. The bulk of the land in Fiji belongs to the natives, the permanent alienation of land to non-natives having been prohibited since 1903.

The Indian agricultural population holds a large portion of native land on leases tenable for 21 years, but before renewal of a lease could be agreed to by the Colonial Government, the lessee had to obtain the concurrence of the native owners to the renewal and arrive at an agreement regarding the terms and conditions thereof. Thus the system of dual control of land by Government and native owners was defective in that difficulties might arise in securing renewals of leases.

Under the provisions of this Ordinance, the control of all native land is vested in a Board of Trustees, who are to set aside sufficient land for the exclusive use of Fijians and are authorised to lease out the remaining land to non-Fijians. Regulations have been framed by the Governor-in-Council, one of which *inter alia* deals with the terms and conditions of leases to non-Fijians and empowers the Board to grant leases up to a term of 99 years. Under another Regulation, a Commissioner has been appointed to investigate the particulars of land to be proclaimed as Native Reserves.

Local Committees

Local Committees, consisting of the District Commissioner as Chairman and representative members of European, Indian and Fijian communities, were appointed by the Governor during the year, in each district, under the provisions of Section 5 (2) of the Ordinance for the purpose of advising the Board on matters affecting native land.

The report refers to the determining and proclaiming as Native Reserves of the portions of land for the use, maintenance or support of each native proprietary unit as the most pressing administrative problem arising out of the enactment of this new Ordinance, and points out that, until this is done, the Board will not be able to prepare comprehensive schemes for the opening up of land for settlement or give lessees the benefit of the maximum terms of leases prescribed by the regulations. Some progress has been reported in the inquiries of the Commissioner in certain closely settled sugar producing areas.

In the *likina* of Lambasa it was found possible, after consulting the native owners as to their requirements, to prepare a design for the sub-division of 2,441 acres of Crown and native land into suitable areas for leasing. In this design, provision was made for roads, 110 agricultural leases, 12 business sites, and for reservations for such public purposes as schools and cemeteries. Lots were freely taken up by Indian applicants and the scheme provides a model for the future development of other large vacant areas.

INDIAN EVACUEES FROM JAPAN

Saturday 25th.

The Indian evacuees from Japan who arrived in Calcutta were entertained at an Afternoon Party at the Prince's Grand Hotel, by the Sindhi Merchants' Association, Calcutta, and Silk Merchants' Association, Bombay. Mr. S. K. Kripalani, Joint Secretary, Government of India, Supply Department, presided.

Mr. P. K. Kripalani, Hon. Secretary of the Sindhi Merchants' Association, welcoming the evacuees, said that they fully appreciated the latter's present mental worries for their being compelled to leave Japan and also their fortunes there. However, they wished the evacuees best luck here and it should be the duty of all Indians to render them every assistance.

Mr. S. K. Kripalani said that it was very unfortunate that they were forced to leave Japan. He went on that many of them in India did not seem to wake up yet to the increasing menace of war. The danger was at their door steps and it was the duty of all of them to unite and work wholeheartedly for India's safety. Mr. Kripalani concluded by hoping that the evacuees, now back to their motherland, would settle down to peaceful and happy life.

Replying Mr. P. S. Kapadia, President of the Indian Evacuation Committee, described the conditions under which the Indians had to carry on business, in Japan and explained the circumstances leading up to their evacuation.

The problem of evacuating the Indians who are still left in Japan is agitating the mind of Mr. P. S. Kapadia, President of the Indian Evacuation Committee, who arrived in Calcutta on the 23rd. along with the first batch of evacuees from Japan.

Mr. Kapadia urges his countrymen to remember the 350 Indians now in Japan, many of whom, he says, are anxious to return to India. He urges that further evacuation ships should be arranged for repatriating those Indians.

The Committee of the Indian Chamber of Commerce, it is learnt, will shortly consider this question and press on Government to make proper arrangements for the early evacuation of Indian national in Japan.

A WISE MOVE BY THE NATIONAL DEMOCRATIC UNION

"The opinion that the initiative for ending the present 'chaotic and helpless state of the political life of the country' should be taken by the Indians themselves is expressed in a draft resolution adopted by the All-India Committees of the National Democratic Union at its Conference held in Bombay on 11th October.

Believing that freedom can never come as a gift, the Committee deprecates the discontent and disappointment caused by the declaration of the British Prime Minister that the so called Atlantic Charter will not apply to India. The resolution says:—"The charter of Indian freedom must be drawn by the Indians themselves and established by their joint effort. It is idle to blame the British Government for denying India freedom, while the Indians themselves cannot agree upon what they want. While blaming the British Government, it is forgotten that they have admitted India's right to self-determination. If India cannot exercise the right, it is the fault of her leaders. The challenge of the British Government for the Indians to produce an agreed constitutional scheme has not yet been taken up. Naturally, that cannot be done by leaders who cannot agree among themselves."

The resolution then goes on to say that there are, however, numerous independent and unattached persons who can approach the problem with free hands and broad minds. It is for them to prepare the scheme of such a constitution for India as will guarantee the greatest good to the greatest number. The Committee realises that the introduction of a new constitution cannot take place during the war; but it also feels that post-war reconstruction should be planned from now on.

Therefore, the resolution says, it is resolved to set up a sub-committee to draft a constitution on the basis of certain principles which, in the opinion of the Committee, constitute the essence of democratic freedom and as such will promote the progress and prosperity of the Indian people.

Among the principles enunciated are: The sovereignty belongs to the people, to be exercised through the direct control of the executive as well as the legislative functions of the State by the elected representatives of the people; the Federal democratic State to be composed of autonomous units built on the basis of cultural and linguistic homogeneity as far as possible; Constitutional guarantee for the fullest freedom of worship and complete cultural autonomy; and an irreducible standard of living for all labouring in fields, factories, mines, transport offices and schools to be guaranteed by a minimum scale of wages.

It is also resolved that as soon as the document will be drafted and published, local people's conventions will be held throughout the country under the auspices of the National Democratic Union and finally the scheme will be submitted to an All-India People's Convention for approval and endorsement.

We expressed last month the same view that an agreed constitution by all the parties should be drafted and presented to the British Parliament for acceptance.

Trade and Industry Section

The most outstanding question arising out of the postbellum conditions of International trade will be how to achieve co-operation between the various countries of the world in the matter of trade, industry, finance and allied topics. In other words, what is the basis of Economic Co-Operation which will replace the economic conflict that is now raging in the world. It is often said that business is not altruism, but altruism is good business. Viewed from this stand point, it is quite possible to do substantial business to the benefit of all concerned, the Manufacturer, Importer or Exporter, and in these days of quick transport and rapid communication, no country could now afford to remain isolated from the rest of the world and if any country does so, it will be at its own peril and destruction. The whole world is fast becoming a family of nations and India as a unit in it has unfortunately not yet taken advantage like Japan and other countries of modern inventions, scientific discoveries and

uptodate methods of industry to improve the direction of India's International trade to enable her to derive the maximum benefit to herself or to others.

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