D. O. 1947

G 3180/3

1

INDEX HEADINGS

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CLOSED UNTIL 1980

S 260

ASIATICS IN CANADA

① Enfranchisement of Asiatics in British Columbia

② Enfranchisement of Japanese Canadians in all parts of Canada

D035/3230

Previous Connected Papers

G. 777/1

Subsequent Connected Papers

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DR16		
Mr Davies	3/7	

(541) Wt. 25550 3,000 9/46 A.J.C. Ltd.

Japanese or other Asiatics or Indians shall be entitled to vote at any municipal election of a Mayor, Reeve, Alderman or Councillor".

East Indians, as Asiatics, are therefore still ineligible to vote at municipal elections in British Columbia. This includes British subjects of Asiatic race.

The provisions of the Municipal Elections Act apply mutatis mutandis to the qualification of voters in an election of school trustees. (Public Schools Act, RSBC 1936, chap. 253).

Other voting rights:

Asiatics, including British subjects, are disqualified from voting in the election of trustees of an improvement district under the Water Act (RSBC 1936, chap. 305, sec. 216).

They are not excluded from voting at meetings of owners in drainage, dyking, or development districts (RSBC 1936, chap. 78).

Office-holding rights:

There has been no disqualification which would have prevented an East Indian from being a candidate at a national election.

Until April, 1947, however, they were ineligible

/to be

P.S. Perhaps you would be good enough to return this formless enclosure

Printing.

however that you will also wish to be kept in touch with this promising development which, though the numbers concerned are insignificant, must tend to improve Indian relations with the ~~Commonwealth~~. You may however like to let the U.K. H.C. in Britain know of this ~~promising~~ development. I have meetype enclosed a second copy since this

Yrs sincerely

to be candidates at provincial elections in British Columbia, owing to a requirement in section 73 of the Provincial Elections Act, 1939, that a candidate for the Legislative Assembly must be eligible to vote.

An East Indian who is a British subject and meets the requirements of section 23 of the British North America Act may be appointed to the Senate.

It appears that under the Municipal Elections Act (RSBC 1936, chap. 83) there is nothing to prevent them being candidates at municipal elections, including those for school trustees. (The contrary opinion expressed by Prof. H.F. Angus in an article in The Legal Status of Aliens in Pacific Countries (1937; ed. Norman MacKenzie) was based on the law as of 1924.

Other rights:

(a) Jury service. The Jury Act (RSBC 1936), section 4, requires that a juror must be on the voters' list. The 1947 enfranchisement of East Indians will therefore qualify them for jury service. The section reads as follows:

> 4. Unless exempt under or disqualified by the provisions in that behalf herein contained, every person who is lawfully registered as a voter at elections for members of the Legislative Assembly shall be qualified and liable to serve as a juror in all Courts of civil or criminal jurisdiction holding s, sittings within the county in which the person resides.

/(b) Professions

however that you will also wish to be kept in touch with this promising development which, though the numbers concerned are insignificant, must tend to improve Indian relations with the ~~Commonwealth~~.

You may however like to let the U.K. H.C. in Delhi know of this ~~Provincial~~ development. I have enclosed a second copy for this purpose.

Yours sincerely

P.S. Perhaps you would be good enough to return the four enclosures

Printing.

(b) Professions and occupations.

(i) Under Paragraph 39 of the Rules of the Law Society of British Columbia, admission to training for the legal profession is limited to persons who, if of the age of twenty-one years, would be entitled to be placed on the voters' list. Apparently the amendment to the Provincial Elections Act will open the legal profession to East Indians.

(ii) Pharmacy: The Pharmacy Bye-Laws contain in section 15 a similar provision, and the amendment to the Provincial Elections Act will doubtless have a similar effect.

(iii) Public service: There is stated to be a *de facto* exclusion of British subjects of Oriental race from the public service in British Columbia and from the muncipal service. (The Legal Status of Aliens in Pacific Countries: ed. MacKenzie: 1937).

(iv) Public works: "In contracts awarded by the Department of Public Works in British Columbia, the contractor is bound to give a preference to British subjects and not to employ any Asiatic directly or indirectly, upon, about or in connection with the works. The clause relating to Asiatics is expressed to be enforceable by a penalty. If it is violated 'the Minister may declare forfeited to His Majesty all moneys due or to accrue due to the contractor'. There has,

/however,

P.S. Perhaps you would be good enough to return this formless enclosure

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however that you will also wish to be kept in touch with this promising development which, though the numbers concerned are insignificant, must tend to improve Indian relations with the ~~Commonwealth~~. You may however like to let the U.K. H.C. in India know of this ~~Pioneer~~ development & I have therefore enclosed a second copy of the despo

Yrs sincerely

REFUSED

however, been no legislation to restrict the discretion of the courts to give relief against a penalty, and it is, therefore, not perfectly clear how far this threat could be made good. (Possibly a fiat might be refused to a contractor seeking to be paid for work done, if some Asiatic had been employed)". (Op. cit.) (Common form of Public Works Contract, clause 45).

(v) Sale of Crown timber: It is a condition that Asiatics may not be employed in these sales. "In this case a restriction on the basis of nationality has been held to be within the powers of the province". (Op. cit.) (Att. Gen. for B.C. v. Att. Gen. for Canada, 93 LJPC).

(vi) Hand-logging: The Forest Act (RSBC 1936, chap. 102) provides in section 22 (1) (b):

> No license under this section shall be granted to any person whose name is not on the Provincial voters' list, unless the person is an Indian as defined in section 2 of the "Provincial Elections Act".

East Indians will not now, therefore, be ineligible for such licenses.

Citizenship.

The Canadian Citizenship Act, 1946, provides:

> 9(1) A person other than a natural-born Canadian citizen is a Canadian citizen, if he.....

/(b) immediately

however that you will also wish to be kept in touch with this promising development which, though the numbers concerned are insignificant, must tend to improve Indian relations with the Commonwealth. You may however like to let the U.K. H.C. in Britain know of this ~~promising~~ development. I have supplied a second copy of this letter.

Yours sincerely

P.S. Perhaps you would be good enough to return the pointless enclosure

Printing.

(b) immediately before the commencement of this Act was a British subject who had Canadian domicile.

Statistics of 1941 showed 1465 East Indians in Canada, of whom 424 were Canadian-born. The remainder, with the exception of three, had been in Canada for over five years, and had, therefore, if their original landing was not illegal, acquired Canadian domicile. From 75 to 100 Indians are known to have entered illegally since 1930 and cannot therefore acquire domicile. Consideration is at present being given to the case of some of these who came forward in 1939, on the invitation of the Minister of Mines and Resources, to register with the immigration authorities and were guaranteed suspension of deportation as a result. A telegram from the Secretary of State for External Affairs to the Government of India, sent on Sept. 25, 1939, promised that they would be permitted to acquire "permanent status as residents of Canada"; but the legal position appears to be that as they have never been given the legal landing which under the Immigration Act is a prerequisite for the acquiring of domicile, they have not become Canadian citizens. All other Indian British subjects with the necessary residence qualification have automatically become Canadian citizens under the Canadian Citizenship Act.

/Comparison

P.S. Perhaps you would be good enough to return the four enclosures

however that you will also wish to be kept in touch with this promising development which, though the numbers concerned are insignificant, must tend to improve Indian relations with the ~~Commonwealth~~. You may however like To let the U.K. H.C. in Delhi know of this ~~Attlee~~ development. I have ~~me~~ enclosed a second copy of me 2320

Yrs sincerely

Printing.

Comparison with other members of Commonwealth.

Aside from the minor discriminations still remaining in British Columbia, South Africa is now the only member of the Commonwealth which still discriminates against East Indians politically.

Up to 1925 Indians were excluded from the franchise for national elections in Australia, and also in the states of Queensland and Western Australia. In 1925 the Australian Government granted the federal franchise to Indians; Queensland gave them the state franchise in 1930 and Western Australia in 1934.

however that you will also wish to be kept in touch with this promising development which, though the numbers concerned are insignificant, must tend to improve Indian relations with the ~~Commonwealth~~. You may however like to let the U.K. H.C. in Delhi know of this ~~Dominion~~ development. I have enclosed a second copy of the despatch for this purpose.

Yours sincerely

P.S. Perhaps you would be good enough to return the four enclosures

Printing.

H of C Debates.
24th April 1947.

EAST INDIANS

FRANCHISE IN BRITISH COLUMBIA—EXCHANGE OF TELEGRAMS BETWEEN OTTAWA AND NEW DELHI

Right Hon. L. S. ST. LAURENT (Secretary of State for External Affairs): There is a statement I should like to make to the house in explanation of the fact that a release to the press was made this morning at eleven o'clock of an exchange of telegrams between Ottawa and New Delhi with respect to the amendment of the Franchise Act of British Columbia and its effect upon the franchise of East Indians. The reason the release was made this morning instead of being communicated first here in the house was that it was desired to have it released simultaneously here and in New Delhi. Because of the difference in time even eleven o'clock this morning meant something like 9.30 p.m. in New Delhi. The telegrams are as follows:

Right Hon. Louis S. St. Laurent,
Secretary of State for External Affairs,
Ottawa.

I would like to convey to Prime Minister of Canada, to Premier of British Columbia, and to yourself, my appreciation and thanks for action taken by legislative assembly of British Columbia in passing bill enfranchising Indians. I hope this is forerunner of increasingly friendly relations between Canada and India.

Jawaharlal Nehru,
Minister for External Affairs and
Commonwealth Relations, India.

To which the following reply was sent:

Pandit Jawaharlal Nehru,
Minister for External Affairs
and Commonwealth Relations,
New Delhi.

Greatly appreciate your kind telegram regarding enfranchisement of Indians in British Columbia which has resulted from action by legislative assembly of that province. I join with you in hope that friendship between India and Canada will be strengthened by this action.

Louis S. St. Laurent,
Secretary of State for External Affairs.

Mr. CHURCH: I take it from the Hindu statement with respect to votes for these Hindus in British Columbia that the government is automatically recognizing the new Nehru provisional Indian government.

P.S. Perhaps you would be good enough to return the four/five enclosures

however that you will also wish to be kept in ~~this~~ promising development which, though the numbers concerned are insignificant, must tend to improve Indian relations with the ~~Commonwealth~~. You may however like to let the U.K. H.C. in Delhi know of this ~~Atomic~~ development. I have ~~sent~~ enclosed a second copy of the despatch

Yours sincerely

Printing.

REFER

3 3180/3 1 20

INDIA OFFICE,
WHITEHALL,
S.W.1.

Pol.7083/47 28 MAR 1947 29th March, 1947.

18

Dear Price,

I write to thank you for your letter of the 19th March, No.G 3180/3, to Gibson, on the enfranchisement of Indians in British Columbia. We have sent copies of Clutterbuck's letter, and enclosures, to the United Kingdom High Commissioner in India.

It is very satisfactory to note that, at long last, the British Columbia problem is likely to be liquidated, ~~very soon~~.

The printed enclosure is returned herewith.

Yours sincerely,

R.G. Liesching

C.R. Price, Esq., C.M.G.,
Dominions Office,
S.W.1.

P

P.S. Perhaps you would be good enough to return the printed enclosure.

J.P. Gibson Esq.,
India Office.

Printing.

2

19th March, 1947. 19

...at in 1944 (see e.g. ... 22nd July, 1944) you ...th Dixon about the ...hisement of Indians ...that time there seemed ...being done. Now, ...our High Commissioner ...mittee set up by the ...e has recommended, in ...nsion of the franchise ...tenship. I enclose ...together with its

...nadian Department of ...direct touch with the ...uestion, and no doubt ...ly informed. You ...nited Kingdom High ...this development and ...cond copy of the

...ely,

...R.PRICE

they will be keeping them fully informed ~~of developments~~. ~~I take it~~ however that you will also wish to be kept in touch with this promising development which, though the numbers concerned are insignificant, must tend to improve Indian relations with the ~~Commonwealth~~.

P.S. Perhaps you would be good enough to return the printed enclosure

To let the U.K.H.C. in India know of this ~~planning~~ development. I have ~~enclose~~ enclosed a second copy since this is the enclosure

G 3180/3

19th March, 1947.

19

Dear Gibson,

You will recollect that in 1944 (see e.g. your letter Pol.5605/44 of 22nd July, 1944) you had some correspondence with Dixon about the possibility of the enfranchisement of Indians in British Columbia. At that time there seemed little prospect of anything being done. Now, however, we have heard from our High Commissioner at Ottawa that a special Committee set up by the British Columbia Legislature has recommended, in a majority report, the extension of the franchise to Indians of Canadian citizenship. I enclose two copies of his despatch together with its enclosures.

4.3.47.

You will see that the Canadian Department of External Affairs has been in direct touch with the Government of India on this question, and no doubt they will be keeping them fully informed. You may however like to let the United Kingdom High Commissioner in India know of this development and I have therefore enclosed a second copy of the despatch.

Yours sincerely,

(SGD) C.R.PRICE

P.S. Perhaps you would be good enough to return the printed enclosure.

J.P. Gibson Esq.,
India Office.

Printing.

they will be keeping them fully informed ~~of developments~~. ~~I take it~~ however that you will also wish to be kept in touch with this promising development which, though the numbers concerned are insignificant, must tend to improve Indian relations with the ~~Commonwealth~~.

P.S. Perhaps you would be good enough to return the printed enclosure

To let the U.K. H.C. in India know of this ~~Pioneer~~ development. I have enclosed a second copy of the despatch

(4430A) Wt. 18049/425 20m. 7/45 C.N.L. 748

Mr. Latham 17/3/47
Mr. Price 17/3
Mr.
~~Mr. Clutterbuck.~~
Sir Charles Dixon 18/3/47
Depy. U.S. of S.
Permt. U.S. of S.
Parly. U.S. of S.
Secretary of State.

DRAFT.

J.P. Gibson Esq.,
India Office.

Dept. 546 A/13
(1) with enclosures.
(two duplicates)

Further action.

P.S. Perhaps you would be good enough to return the printed enclosures

Printing.

J. H. Price
Encls. returned in (3)

Dominions Office,
Downing Street.
19 March, 1947.

Dear Gibson

You will recollect that in 1944 (~~refer for instance~~ see e.g. to your letter Pol.5605/44 of 22nd July 1944) you had some correspondence with Dixon about the possibility of the enfranchisement of ~~immigrants from India~~ Indians in British Columbia. At that time there seemed little prospect of anything being done. Now, however, we have heard from our High Commissioner at Ottawa that a special Committee set up by the British Columbia Legislature ~~of Canadian citizens~~ has recommended, in a majority report, the extension of the franchise to Indians of Canadian citizenship. I enclose 2 copies ~~a copy~~ of his despatch together with its enclosures.

You will see that the Canadian Department of External Affairs has been in direct touch with the Government of India on this question, and no doubt they will be keeping them fully informed ~~of developments~~. ~~I take it~~ however that you will also wish to be kept in touch with this promising development which, though the numbers concerned are insignificant, must tend to improve Indian relations with the ~~Commonwealth~~. To let the U.K. H.C. in Britain know of this ~~Dominion~~ development, I have enclosed a second copy of the despatch which you may return

COPY

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2

1/. Rep. Canada —— s/o —— 4/3/47

The proposals of the Br. Columbia Legislature's Committee are in keeping with the more broadminded attitude towards Asiatics in Canada displayed in the Repeal of the Orders-in-Council relating to Japanese Canadians. (see G-3180/2)

The Can Dept of External Affairs is in direct comm with the Indian Govt, but ? we should send a copy of the despatch and its enclosures to the India Office.

? Mr Price and Sir Charles Dixon to see

K/C 14/3

Draft hereunder
17/3.
CWD 18/3/47

K/C 18/3

S/O 19/4
T/O 1/0 - J P Gibson 19/3/47

2

3/. India Office —— s/o —— 29/3/47

Put by K/C 1/4 at once

4/. Rep. Canada —— s/o —— 15/5/47

The legislation predicted in (1) has now been enacted & the Br. Columbia legislature has removed most of the disabilities on Asiatics.

The attached Dept of Ext Affairs summary gives a good picture of the present position of Indians in Canada.

? Sir Charles Dixon to see
? Dispt to India Office (Mr Gilchrist) ref POL 7083/47 Comp

K/C 27/5

CWD 31/5/47 at once 30/5

O. 95A. 64 Rms. 5/45. W. & S. Ltd.

0016 2Ds Reid 11/3/47

1 MAR 1947
0016/13

OFFICE OF THE HIGH COMMISSIONER
FOR THE UNITED KINGDOM,
Earnscliffe,
OTTAWA.

21

546A/13

4th March, 1947.

Dear Machtig,

(10 & 12 thereon)

There have been various discussions recently in the matter of the enfranchisement of Indians domiciled in British Columbia which have rather changed the picture since your correspondence with MacDonald in 1944 - see your letter No. G.717/1 of the 5th August and MacDonald's reply of the 12th October.

A year ago the British Columbia Legislature set up a special committee to consider the Elections Act. This committee has now reported and, amongst other changes, (for example compulsory registration and voting), it has recommended the extension of the franchise to Indians and Chinese of Canadian citizenship. This recommendation was made in a majority report, but three of the seven members of the committee recommended that all racial restrictions should be removed and that the vote should be extended to Japanese as well as other Orientals and should not be confined to those of Canadian citizenship.

It is very satisfactory that the initiative for a change should have been taken in British Columbia itself and this favourable development is to some extent surprising. In this connection the enclosed forthright article by Professor Angus of the University of British Columbia, who was during the war a member of the Department of External Affairs, is an interesting account of the situation from an enlightened British Columbian. But, as you know, there has been much criticism in the rest of Canada over the treatment of Orientals, and, in the light of the discussions on the position of Indians in South Africa at the United Nations Assembly, many Canadians have been very anxious to set their own house in order. They have been all the more disposed to do so in the case of persons of Chinese and Indian origin (and even in some cases of Japanese origin), in that many of these were anxious to play a part in the recent war. There has been, therefore, a persistent campaign led by many of the more liberal-minded newspapers throughout Canada, and, strongly supported by the C.C.F. party in particular, for the abolition of all forms of racial discrimination in Canada. As you will have seen from Garner's despatch No. 36 of the 12th February the Canadian Government have themselves now eased the position as regards the deportation of Japanese and they have introduced legislation designed to soften the effect of the present statutory exclusion of the entry of Chinese into Canada. The developments in India itself and the proposal that Canada and India should exchange High Commissioners make the present discrimination of Indians in British Columbia all the

(1 on G. 3180/2)

Sir Eric Machtig, K.C.B.,K.C.M.G.,O.B.E., /more difficult
Dominions Office,
London.

COPY

23

Ottawa, January 6, 1947.

Sir,

I have the honour to acknowledge your despatch No. F.102-10/46-OS(11) of December 6, 1946, concerning the franchise for Indians in the province of British Columbia.

2. I appreciate the feeling in India, especially at the present time, towards this question, but I am sure you will understand that the problem is very complex since it is primarily within the jurisdiction of the Government of British Columbia. At the last session of the British Columbian Legislature a committee was appointed to inquire into the provisions of the Provincial Elections Act. While this committee has not yet submitted its findings, I understand that some recommendation will be made affecting the status of Indians in British Columbia.

3. A copy of your communication of December 6th has been referred to the Government of British Columbia and I shall keep you informed of any developments which may take place.

I have the honour to be,

Sir,

Your obedient servant,

(Sgd) LOUIS ST. LAURENT

Secretary of State for
External Affairs.

The Secretary,
Department of Commonwealth Relations,
Government of India,
NEW DELHI.

PUBLIC RECORDS REFERENCE

COPY

FAST AIR MAIL

No.F.102-10/46-OS(11).
Government of India.
Department of Commonwealth Relations.
New Delhi, the 6th December 1946.

To The Secretary of State for External Affairs,
Government of Canada,
OTTAWA. (CANADA).

Indians in British Columbia -
Franchise.

- - - -

Sir,

I am directed to address you on the question of converring Dominion, Provincial and Municipal franchise on Indians domiciled in the Province of British Columbia in the Dominion of Canada. As you are aware, about 1,300 out of the 1,500 Indians resident in Canada live in the Province of British Columbia. By virtue of Section 5 of the British Columbia Provincial Elections Act, Indians there are disqualified from voting at elections and are debarred from having their names inserted in any list of voters. By the operation of Section 30(1) (g) of the Dominion Elections Act, they are also denied the federal franchise. This discrimination against a class of British subjects domiciled in a Dominion of the British Commonwealth has long been a grievance among Indians in British Columbia and Canada and is regarded as a humiliation to India.

2. In this connection it will be recalled that at the Imperial Conference of 1921, a resolution was adopted and agreed to by the representatives of Canada, which while affirming that each community of the British Commonwealth should enjoy complete control of the composition of its own population by means of restriction on immigration from any of the other communities, recognised that there was an incongruity between the position of India as an equal member of the British Empire and the existence of disabilities upon British Indians lawfully domiciled in some other parts of the Empire. The Conference expressed the opinion

PUBLIC ARCHIVES REFERENCE

that in the interests of solidarity of the British Commonwealth it was desirable that the rights of such Indians to citizenship should be recognized. The late Right Hon'ble V.S. Srinivasa Sastri, who represented India at the Imperial Conference of 1921, visited Canada in August, 1922, to secure the practical application of the resolution mentioned above. Mr. Sastri, however, found that there was a very strong current of opinion in British Columbia against the grant of provincial and municipal franchise to Asiatics as the economic rivalry between the white and non-white races (particularly the Japanese and Chinese) was more acute in that Province than in any other part of the Dominion. At the Imperial Conference of 1923, the representatives of Canada pointed out that the Dominion Government were averse to taking any action which might have a semblance of dictating to the Provincial Governments. The position in respect of Franchise Law in British Columbia, therefore, remained unchanged. The Dominion of Canada Elections Act came under revision by Parliament in 1925, but as the Committee on Privileges at Elections came to the conclusion that no change in the 'existing law' could be made, the position in regard to the Dominion Franchise law also remained the same as it was in 1921. From time to time, thereafter informal discussions have taken place between various Indian leaders, e.g., the late Sir Mohammad Shafi, Sir Atul Chandra Chatterjee, Sir Muhammad Zafrulla Khan and Sir Ramaswami Mudaliar and the Canadian Prime Ministers. The latter generally were sympathetic and appreciated the Indian ~~pnt~~ view-point, but no concrete action has so far been taken to redress the long standing Indian grievance.

3. In view of the magnificent part played by Indian troops during the last war and the fact that Indians fought side by side with the Canadian soldiers, the Indian position has become still more incongruous than it was in 1921 by

the continuance of the old disabilities. Men who can be regarded as suitable comrades in arms should deserve to be treated as comrades in civil life. This position has been recognised by the United States of America by enacting recently legislation, which makes provision not only for the grant of full citizenship rights to Indians, but also permits Indian immigration into the United States of America on a quota basis.

4. It is now understood that in British Columbia an Elections Act Committee has been set up by the Legislature to consider the provisions of the Provincial Elections Act. The Committee are expected to make their recommendations very soon for discussion at the next session of the British Columbian Legislature in February, 1947. The Government of India would, therefore, urge upon the Dominion Government the desirability of persuading the British Columbian Government to avail of the present opportunity and take steps to confer franchise on the small Indian community in that Province and thus rectify the present anomalous position which is a source of humiliation to Indians.

I have the honour to be,

Sir,

Your obedient servant,

(A.V. PAI)
Secretary.

BS.6.12.

East Indians in Canada

H. F. Angus

The few hundred East Indians who live in Canada have an international importance out of all proportion to their numbers. It is as difficult to explain to Canadians why their treatment is resented in India as it is to explain to Indians why they do not enjoy full political rights in all parts of Canada. Within a few years, and perhaps within a few months, India will decide whether to remain within the British Commonwealth or to secede from it. In decisions of this sort emotions play as strong a part as reason and any display of sympathetic consideration by a British Dominion may have more influence than cold calculations of military expediency and economic advantage.

Equal rights could be given to East Indians in Canada by changing two or three words in a statute of the Province of British Columbia. There are no disqualifications in the other provinces and practically all the disqualifications in British Columbia would disappear automatically if persons of East Indian race were eligible to be placed on the voters' list. So would the disqualification for voting in federal elections in British Columbia. When the Legislative Assembly is in session forty-eight men and women have it in their power to make the decisive change. Indians naturally ask why they don't do it.

No noticeable change in Canadian life would occur if East Indians were enfranchised in British Columbia. Less than 1,700 persons are concerned including children, who would not be able to vote because of age. By no means everyone entitled to vote troubles to get his name placed on the list and by no means everyone whose name is on the list actually votes. At most a few hundred votes would be cast by East Indians in provincial and federal elections. Even if these votes were cast in the most objectionable way conceivable (and there is no reason whatever to expect that this would be the case) they could make no appreciable difference to Canadian political life.

If the direct consequences of enfranchising East Indians are negligible the indirect consequences must be examined. We

have already noticed one—a beneficial effect on international relations. It is not the only favourable consequence. The self-respect and responsibility of the small group of East Indians in Canada would be enhanced and their readiness to accept Canadian ways of life would be increased. No people in the world are made better by a sense of grievance or by a feeling that they are being insulted. No country in the world is well-advised to antagonize its future citizens.

Is it possible to contend that there would be any unfavourable consequences, however indirect, if East Indians were allowed to vote? Perhaps! It is quite possible to believe that while a few hundred East Indian voters could do no harm, they could not be enfranchised without enfranchising, at the same time, a larger number of persons of Chinese race and ultimately a considerable number of persons of Japanese race. Persons of these races, if born in Canada, are just as much British subjects as East Indians are, and if one racial discrimination is to be removed the others cannot easily be defended. It is possible to fear that these Asiatics voters would exert pressure for allowing immigration from Asia even though they themselves would be the first to feel the impact of the competition of the immigrants.

While some British Columbians entertain these fears others think them fantastic and there is a good deal of feeling in favour of removing all racial discriminations. None exist against persons of Asiatic race in any other province of Canada or in any state of the United States. If the question of immigration were settled permanently, as it might be by a quota system, enfranchisement would not be altogether unlikely. The probability would be increased if the resettlement of Canadians of Japanese race leaves very few in British Columbia. In the meantime there is strong political inertia against initiating any change.

Seen from the standpoint of the Provincial Legislature—the forty-eight men and women who have the power to decide the question—the East Indians in British Columbia have no great grievance. What does it matter if they may not hold elective offices when they are certain not to be elected? What need have they for a vote? They have not really identified themselves with the community in which they live and have not been active in availing themselves of those associations which are open to them. They are not oppressed in any way.

They enjoy equal educational and equal business opportunities and the occupations from which they are excluded are not numerous. From these they would be likely to be excluded by *de facto* discrimination even if rules with legal sanction were removed. And then their own political interests have nothing to do with Canadian political issues. They have shown more con[illegible]n over the fate of political prisoners in India than over such things as wages, prices, and hours of work in British Columbia. Enfranchisement might, indeed, promote assimilation but could it really be expected to produce any immediate change of outlook?

This explanation is sincere enough. Yet Indians may well be excused if they find it unconvincing. It does not explain why Canada, in many respects an advanced democracy and a responsible member of the family of nations, has not adopted a courteous and simple method of controlling immigration and, if necessary, of limiting political rights.

Exclusion based on race is discourteous and so is racial disfranchisement. Rules applied to all races and nations alike are not insulting. Immigration can be controlled by national quotas and in Canada almost any method of calculation would accord to Asiatic races quotas so low that they would barely suffice for what might be called humanitarian immigration—the admission of wives and children of permanent residents of Canada.

The franchise, it is true, cannot be regulated by quotas. But here too discourtesy can be avoided. There is no discourtesy in noting that new arrivals are not at all likely to take an intelligent, or indeed any, interest in local politics. The vote of an immigrant group (particularly if its members do not speak and read the language of the country) may be a controlled vote determined by special influences or by issues external to Canada. Immigrants of the first generation, with an exception for those who come from English-speaking countries, might be denied the franchise without discourtesy. This is very different from racial discrimination. It is essentially temporary. Every immigrant would know that his children, born and educated in Canada, would be the political equals of other Canadians.

I want to make quite clear that I am not advocating the withholding of voters' rights from first generation immigrants, even for a term of years. I am, however, pointing out that such a

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END

course would meet the requirements of any argument for racial disfranchisement which is not based on the myth of racial superiority. To have done in an insulting way what might have been done in a relatively inoffensive way requires some explanation.

And, of course, there is an explanation. Federalism has its merits. Both Canada and India may require it for interna[illegible] reasons. But, in so far as external relations are concerned, it is an antiquated system of government and, if we are to have world government, or even world co-operation, federal arrangements which maintain governments with extensive powers but no recognized international obligations, may have to be revised. Canadian federalism was not intended to operate in this way. The will of a province could be overcome, even on matters of provincial jurisdiction, by an Imperial Treaty coupled with Canadian legislation. But imperial treaties have become obsolete and as yet nothing has taken their place.

In practice a provincial government is not much interested in helping the Government of Canada to avoid international embarrassment. The Government of Canada is not likely to put pressure on a province, partly because this might prejudice its electoral chances in that province, and partly because it might encourage bargaining by the provincial government for some collateral advantage. So far-reaching are these considerations that the Government of Canada would be very unlikely to remove for federal elections racial disabilities imposed by a province for provincial elections. It would be even more unlikely to attempt to reduce the number of members to which a province is entitled in the Parliament of Canada by virtue of its population though this might reasonably enough be done in proportion to the disfranchised part of this population.

To a foreigner it must seem a strange story. If he is polite he will continue to admire Canadian statesmanship. But which will he admire more: the stern realism with which the Government of Canada judges internal political situations and regulates its dealings with the provinces; or the romantic optimism with which the Prime Minister speaks of the possibilities of world government?

University of British Columbia, September 1946.

5. To I.O. — W/c(4) & encll:.
(Mr. Gilchrist) Comps. — 9/6/47.

6. India Office ——— 7/6/47

Sir Charles Dixon here.

2 Putty

Cleared 3/7

Cleared 3/7/47

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7. Repl Canada — Enl from Ophdom 25 (84 Savoy) — 23.6.48

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8. Encl —— Times ——— 9.3.49
(Trans from C.2050/69)
Putty 16/3/49 attance

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9 MAR 1949

TIMES

FRANCHISE EXTENDED IN BRITISH COLUMBIA

FROM OUR CORRESPONDENT

VANCOUVER, MARCH 8

The Attorney-General, Mr. G. S. Wismer, has introduced amendments to the Provincial Elections Act to give Indians on reservations and Japanese-Canadians the franchise. Previously the vote was extended to Indians off the reservations and to Chinese. The Doukhobors, the fanatical Russian religious sect, are now the only group denied the vote in British Columbia. The passage of the amendment is only a formality, as all parties are in favour of it.

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June 48.

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representative in Canada but we have got a Trade Commissioner. We are exchanging diplomatic representatives and we hope that in the course of the next month or two the Canadian High Commissioner will be here and possibly an Indian High Commissioner will go there. But we are actually in direct contact and I may say that during the United Nations General Assembly meeting our delegates raised this question with Canadian delegates directly also and discussed with them.

Prof. N. G. Ranga: Is the Honourable Member aware that the late Right Honourable Srinivasa Sastri made the same complaint in 1921-22 and ever since no progress has been made?

The Honourable Pandit Jawaharlal Nehru: I am not personally aware of that complaint, but I have no doubt that this complaint has been made on many occasions. The House must realize that in these matters it is not very easy to get things done. In the past we have had to move through His Majesty's Government and all that we could do was to send representations. It is no good, I think, to go on sending representations unless something further can be done. I hope—in fact I understand—that they are in favour of removing all these disqualifications and that the matter is being considered by the Provincial Legislature there now.

Babu Ram Narayan Singh: Will the Honourable Member assure the House that things will improve in the near future.

Mr. President: Order, order.

P.S. good the

To Ctr the U.K. Hi... development & I have perhaps enclosed a second copy of me days Hyd remarks

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OUTWARD TELEGRAMS

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8. Eastern Times 9.3.49
(Trans from C.2050/69)
Patty 16/3/49 attache

EXERA CT FROM CANADA OPDOM NO. 25 (84 SAVING). 23 June 48.

D. 1. The House of Commons has adopted an amendment to the Dominion Election Act extending the Federal franchise to Japanese Canadians in all parts of Canada.

from [illegible] foreshore leases or from holding Engineer's certificates under the Boiler Inspection Act. In some occupations like the legal profession, medical profession, etc., it is understood that though the law may not specifically exclude Indians, the societies like the Bar Society manage to exclude Indians by administrative process.

Sardar Mangal Singh: Practically the same reply was given to me two years back. May I know if the Government of India is now moving directly in the matter or if they are still moving through H. M. G.?

The Honourable Pandit Jawaharlal Nehru: No, Sir, directly—directly in this sense. We have not got at the present moment a diplomatic representative in Canada but we have got a Trade Commissioner. We are exchanging diplomatic representatives and we hope that in the course of the next month or two the Canadian High Commissioner will be here and possibly an Indian High Commissioner will go there. But we are actually in direct contact and I may say that during the United Nations General Assembly meeting our delegates raised this question with Canadian delegates directly also and discussed with them.

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P.S. I [illegible] good [illegible] Yours

To let the U.K. [illegible] development. I have [illegible] enclosed a second copy of me dispo

Yrs sincerely

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LEGISLATIVE ASSEMBLY

Wednesday, 5th February, 1947

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Mr. G. V. Mavalankar) in the Chair.

STARRED QUESTIONS AND ANSWERS.

(a) Oral Answers

Exclusion of Indians from Franchise in the Province of British Columbia in Canada.

37. *Seth Govind Das: Will the Honourable Member for Commonwealth Relations be pleased to state:

(a) if Government are aware of the exclusion of Indians from municipal, provincial and federal franchise in the province of British Columbia in Canada; and

(b) the steps that the Government of India are taking in this connection and their result?

The Honourable Pandit Jawaharlal Nehru: (a) Yes.

(b) Government of India have made representations to the Government of Canada urging the desirability of conferring franchise on Indians in British Columbia. The Government of Canada have referred the matter to the Government of British Columbia and it is understood that the question is under the consideration of the Elections Act Committee which has been set up in British Columbia to consider the provisions of the Provincial Elections Act. It is understood the Committee has not yet submitted its recommendations.

Sardar Mangal Singh: May I know from the Honourable Member what other disabilities are placed upon Indians in Canada?

The Honourable Pandit Jawaharlal Nehru: So far as I know, certain other disabilities which follow from this disqualifications are present. That is, they cannot serve as trustees in any municipal, district or rural school or hold any municipal office or serve as jurors; they are debarred from employment by contracts for the Public Works Department and for the sale of Government timber. They cannot be registered as pharmaceutical chemists; they are also debarred from holding foreshore leases or from holding Engineer's certificates under the Boiler Inspection Act. In some occupations like the legal profession, medical profession, etc., it is understood that though the law may not specifically exclude Indians, the societies like the Bar Society manage to exclude Indians by administrative process.

Sardar Mangal Singh: Practically the same reply was given to me two years back. May I know if the Government of India is now moving directly in the matter or if they are still moving through H. M. G.?

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Babu Ram Narayan Singh: Will the Honourable Member assure the House that things will improve in the near future.

Mr. President: Order, order.

Printing.

OUTWARD TELEGRAMS

8. Enter ——— Times ——— 9.3.49
(Trans from C. 2050/69)
16/3/49 attache

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To let the U.K. Govt. ... of the development ... I have enclosed a second copy of the same for ready

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22 MAY 1947

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OFFICE OF THE HIGH COMMISSIONER
FOR THE UNITED KINGDOM,
Earnscliffe,
OTTAWA.

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15th May, 1947.

Dear Machtig,

(1) Clutterbuck told you in his letter of the 4th March that a special committee of the British Columbia Legislature had recommended that the Provincial franchise should be granted to Indians and Chinese. As we have already reported, (see telegram Opdom No. 17 of the 29th April), this recommendation was adopted and the necessary legislation has now been passed. I enclose a copy of the statement made by Mr. St. Laurent in the House of Commons on the 24th April when he tabled the exchange of congratulatory telegrams which had passed between him and Mr. Nehru.

(6 on -/2)

I enclose some notes on the present status of Indians in Canada which were prepared by the Department of External Affairs for their own purposes. These contain a useful summary of the whole position. You will see from this that the right to vote in British Columbia brings with it also the right to stand as a candidate for the Provincial House and the right to vote in the Federal elections. It will apparently also result in Indians in British Columbia becoming eligible to serve on juries and to train for the legal profession. But a number of disabilities will still remain, including at present the denial of the right to vote in British Columbian municipal elections.

The surprising thing is that the change from the traditional position was effected so smoothly. No excitement seems to have been caused on the West Coast, and the rest of Canada was unaware of what was happening until Mr. St. Laurent made his statement.

Yours sincerely,

L. L. C. Garvin

Sir Eric Machtig, K.C.B., K.C.M.G., O.B.E.,
Dominions Office,
London S.W. 1.

LM

P.S. Perhaps you would be good enough to return this for our enclosure

Printing.

however that you will also wish to be kept in touch with this promising development which, though the numbers concerned are insignificant, must tend to improve Indian relations with the ~~Commonwealth~~. You may however like To let the U.K. H.C. in British Columbia of this ~~Promise~~ development. I have enclosed a second copy of this letter

Yrs sincerely

PUBLIC RECORDS REFERENCE

STATUS OF EAST INDIANS WITHIN CANADA

Voting rights:

As regards the right to vote at national or provincial elections in Canada, there is now no discrimination against East Indians.

Up to the present year there was such discrimination against them in the Province of British Columbia, where about 92% of the 1,500 British East Indians in Canada reside.

The Provincial Elections Act, 1939, of the Province of British Columbia, as amended in 1945, contained the following provision:

5. The following persons shall be disqualified from voting at any election, and shall not make application to have their names inserted in any list of voters:-
(a) Every Chinese, Japanese, Hindu, or Indian:
Provided that the provisions of this paragraph shall not disqualify or render incompetent to vote any person who has served in the Naval, Military, or Air Force of Canada in the Great War of 1914 to 1918 or in the present War, and who produces a discharge from such Naval, Military or Air Force to the Registrar upon the making of the list of voters and to the Deputy Returning Officer at the time of polling.

The word "Hindu" in this legislation means "East Indian", while the word "Indian" means "North American Indian". This is provided for in the interpretative part of the Act; the relevant passage reads as follows:

2. (1) In this Act, unless the context otherwise requires:- .....
"Hindu" means any native of India not born of Anglo-Saxon parents, and shall include any such person whether a British subject or not:

/"Indian"

P.S. Perhaps you would be good enough to return the forwarded enclosure

however that you will also wish to be kept in touch with this promising development which, though the numbers concerned are insignificant, must tend to improve Indian relations with the ~~Commonwealth~~. You may however like to let the U.K. H.C. in India know of this ~~promising~~ development & I have therefore enclosed a second copy of the despatch

Yours sincerely

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REFERENCE

"Indian" means any person of pure North American Indian blood, and any person of North American Indian extraction having his home upon or within the confines of an Indian reserve.

However, by an amendment to the Provincial Elections Act which received assent on April 3, 1947 (Bill No. 85, 1947), section 5 was amended to omit the disqualification upon "Hindus". Attached is a copy of the bill; section 14 contains the amendment to section 5 of the 1939 Act.

The removal of the disqualification upon "Hindus" as regards British Columbia provincial elections has had the further effect of making it possible for East Indians resident in British Columbia to vote at national elections if otherwise qualified. Their previous disqualification as regards national elections depended on Section 14, sub-section (2), of the Dominion Elections Act, 1938, which reads:

> The following persons are disqualified from voting at an election.....
> (i) Every person who is disqualified by reason of race from voting at an election of a member of the Legislative Assembly of the province in which he or she resides and who did not serve in the military, naval, or air forces of Canada in the war of 1914-1918.

The only racial disqualifications remaining in the British Columbia Provincial Elections Act are those on "Japanese" and "Indians". While the previous definition of

/"Hindu"

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Yours sincerely

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"Hindu" has been struck out of the Act, since Hindus are no longer mentioned in it, the definition of "Indian" as "North American Indian" remains, and makes it clear that the disqualification of "Indians" does not affect East Indians.

It should be noted, in closing this review of voting rights in national and provincial elections, that the 1947 amendment of the British Columbia Provincial Elections Act, while removing East Indians from disqualification on racial grounds, has introduced a new disqualification which may affect some East Indians along with other persons. Section 5 of the 1939 Act, as amended by the 1947 Act, now disqualifies:

> (f) Every person who does not have an adequate knowledge of either the English or French language.

The India Government Trade Commissioner, Toronto, in correspondence with the Chairman of the Special Elections Act Committee of the Legislative Assembly of British Columbia before the introduction of the 1947 amending bill, urged the omission of this disqualification, but his suggestion was not accepted.

Voting in municipal elections:

But virtue of section 4 of the Municipal Elections Act of British Columbia (RSBC 1936, chap. 83), "no Chinese, /Japanese

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