



COLONIAL OFFICE



REVISION OF THE CONSTITUTION OF MAURITIUS

Correspondence between the Governor and
the Secretary of State for the Colonies

*Presented by the Secretary of State for the Colonies to Parliament
by Command of His Majesty
October, 1947.*

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I. Introductory Note

The question of revising the Constitution of Mauritius, with a view to extending the existing franchise and giving the people of Mauritius a more effective voice in the management of their own affairs, has been under consideration for several years. The last revision took place in 1933. A Summary of Proposed Constitutional Arrangements was placed before the Council of Government in Mauritius in October, 1946. After discussion of these proposals with a fully representative Committee, the Governor submitted further recommendations for the revision of the Constitution. The Governor's despatch containing these recommendations, and the Secretary of State's reply are now published for the information of Parliament.

Mauritius has been a British Colony since 1810. It is about the size of Surrey. The population, according to the census of 1944, consists of:

Persons of European, African or mixed descent	143,056
Indian population	265,247
Chinese	10,882
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			419,185

The number of electors registered at 31st December, 1944, was 11,437.

II. Despatch from the Governor of Mauritius to the Secretary of State for the Colonies

GOVERNMENT HOUSE,
MAURITIUS.

21st April, 1947.

No. 14

SIR,

I have the honour to refer to the Summary of Proposed Constitutional Arrangements presented to the Council of Government on the 29th October, 1946, and to submit for your consideration revised proposals for a new Constitution for Mauritius. Since these proposals differ in some of their essential principles from those placed before you in 1945, I fear that their acceptance will involve considerable amendment of the drafts prepared by your Legal Advisers, and I must take this opportunity of expressing my regret for any inconvenience for which I may be responsible.

2. When, in 1943, suggestions for a revised Constitution for Mauritius were made, and for some time afterwards, it was thought that the most convenient method of presenting a new constitution would be by way of amendment of the existing constitution, and I proceeded on those lines. Had the proposed constitution been put into effect at the beginning of 1945 it is possible that it would not have led to such general dissatisfaction as it would certainly create to-day, especially in those sections of the population which, though not previously or perhaps even now very interested in politics would feel themselves somehow defrauded if a more liberal constitution were not given to the Colony and would become increasingly fertile ground for the sowers of political tares.

It is now clear that proposals which might have been accepted in 1945 will certainly not be generally acceptable in 1948, and I have felt it necessary to re-examine them in the hope of finding a solution likely to commend itself to you and, in the long run, to the peoples of Mauritius.

3. It is, I think, true that the bulk of the people are unprepared for democratic institutions and do not understand them. A long process of political education through local rural and borough councils will have to be endured before many potential electors will be capable of exercising sound individual judgment at the polling stations. On the other hand, the only sections of the population which are prepared actively to support the present proposals are the Franco-Mauritians, relatively few in number, but powerful in their economic position; the conservative elements in the coloured community and a few of the more elderly or successful Indo-Mauritians who are content with things as they are. Knowing little of the complexity of modern government but feeling that conditions cannot be worsened by a change, the bulk of the population would, as I have said, now feel defrauded if deprived of what they call "political rights," the right to a say in the selection of the men who shall advise and control, by the power of the purse, an irremovable Government in whose formation they can have little say under the Crown Colony system. It may well be that many of them will be content with the possession of that right and will not seek to exercise it. For some years many may exercise it unwisely and perhaps to their own detriment. Many of the hard-working, thrifty labourers and small farmers will, in my view, use their vote in quite a different manner from what is expected of them by some of the extremists who temporarily appear

to have won their suffrages. However this may be, given the trend of Colonial policy, are we justified in further delaying the first steps towards a more democratic system of government ?

4. Mauritius is far from possessing the desiderata laid down by the Commission on Constitutional Reform in Ceylon:

" Democracy in which ' each shall count for one and not for more than one ' demands for its free operation a wider tolerance in religion and understanding of the conflicting claims of race and language and a willingness to compromise on major political issues after full and free discussion." (Cmd. 6677, para. 18),

and the full application of the democratic device of universal suffrage at this stage will lead to confusion and, perhaps, chaos. I see little willingness to understand and give due weight to the conflicting claims of race and religion or to compromise on major political issues. Despite all protestations to the contrary this society is divided horizontally into economic and social classes and vertically by racial and religious differences.

5. A characteristic and frank avowal of the fears held by members of the General Population is contained in a letter written some years ago by one of them—

" Under the present conditions, political rivalry between the Mauritian Christians and the Asiatic heathen is fraught with great danger. The two religions subsidised by the Government are Protestantism and Roman Catholicism. One can expect a request from the Indian members to extend that subsidy to all Asiatic religions. That they consider it as a grievance is shown by the reference made thereto in an open letter written by Mr. Naudeer.

" What will happen when all the elected seats will be occupied by Indians ? Merely a refusal on their part to vote the items of the Estimates in regard to the Christian religions. A grave conflict will arise.

" Mauritians have up to now manifested towards the Indians no ill feeling. With the idea of liberty which they have inherited from their ancestors, they have exhibited great generosity and tolerance with regard to the Indians. They were free to go wherever they liked and reside wherever they pleased.

" In return, Mauritians claim the right to be the moulders of their destinies in their little Island. If they are prone to welcome those Indians who become Mauritians by adopting the Western ideals and civilisation, they have to treat as strangers those Indian Nationalists who will retain their Oriental ideals, customs and religion and wish to create an ' imperium in imperio.' And when they consider that the Mauritian entity is menaced, they feel justified in appealing to the Home Authorities and asking them as in the case of the European minority in Ceylon, to be satisfied that the Mauritians ' are sincerely persuaded that their vital interests require serious limitation of the territorial basis of representation.'

" This was the ' leit-motiv ' of the Home Government in sanctioning the communal system in order to safeguard the educated minority against swamping by the much more numerous Sinhalese. And yet the minority were not the founders and original settlers of the Colony as is the case with Mauritius.

" If the Asiatic element is allowed to obtain the upper hand over the Mauritian Christian element, the effect on the populations in Ceylon and in Kenya will be disastrous. The principle laid down in their case will have been destroyed."

Point is lent to this letter by recent utterances by an Indo-Mauritian, Mr. S. Balgobin. The memorandum* submitted by him which was enclosed with my despatch No. 114, dated the 3rd April, 1947, and the enclosed newspaper extracts are illuminating.

On the other hand, though they may at first elect the unscrupulous and silver tongued self-seeker, the Indo-Mauritians will soon lose confidence in him when they find him inept in Council and incapable of earning the respect of his responsible colleagues. With the growth of political experience, it is to be hoped that they will be less inclined to look elsewhere for the settlement of issues which should be determined in Mauritius by Mauritians.

6. Whatever may be the fears expressed or the good or bad qualities of Indo-Mauritians, they have got here and, whatever they may have found here they have in the century which has passed established themselves as an integral part of the population of Mauritius. It is no good harking back to old concepts or outworn claims to political predominance. I do not recollect that any Mauritian has yet made the point that political demoralisation is one consequence of the retention of political leadership secured solely by a constitutional instrument.

On the other hand, I am impelled by the experience which I have had of "popular movements" during the past four years to the view that, if balanced representation and senatorial independence of judgment are to be combined in one chamber, we must for a considerable period base our elective system on a franchise short of universal suffrage and retain the power of nomination.

7. My previous suggestions were based on the assumption that, provided means were found to secure representation of the hitherto unrepresented, the new constitution should follow the form of that to which the peoples of these islands had become accustomed and that gradual progress in the development of representative institutions was to be preferred to spectacular innovations. These principles in the main inform my new proposals, but I have thought it desirable to speed up the process. While avoiding rash experiment and bearing in mind the composition of the mixed communities of Mauritius and the probable dangers of introducing western political institutions to people of whom an overwhelming majority derive from oriental peasant sources, I have made provision for a system which conforms more nearly to British ideas than that which is embodied in the existing constitution. I have been the more inclined to this course by your recently expressed willingness to absolve me from the necessity of strict conformity with the proposals agreed in principle nearly two years ago.

8. I now suggest (a) a closer relation between the legislature and the executive; (b) the removal from the legislature of all officials other than those necessary to ensure informed explanation of measures introduced by the executive; (c) the establishment of a strong block of persons of senatorial capacity (this in place of a second Chamber); (d) a majority of elected over all other members; (e) the removal from the franchise of property or wage-earning qualifications, while retaining a "business premises" qualification, and the substitution of a simple but real literacy test. A literacy test has no particular merit in a homogenous and developed community: in this backward Colony an inrush of numbers of illiterate electors must, I submit, be prevented until local Government has been considerably extended.

9. I suggest that, since the principle of a large unofficial majority has been accepted, the Legislative Council should be constituted in a different manner from that which has already been proposed and responsibility thereby

firmly placed upon the shoulders of that majority. So long as there are nominated official members in the Council, so long will the tendency persist to leave the final responsibility for the actions of the legislature upon the shoulders of the Governor, however irrational and illogical such procedure may be. I feel that we must not only give the responsibility but avoid any appearance of withholding it, and I consider that all nominated official members should disappear from the legislature. An additional advantage will be that Heads of departments will resume that anonymity which should attach to civil servants.

It will be necessary to retain for some time the *ex-officio* members in order that Government should have, in the Legislative Council, persons capable of expounding policy and suggesting the course which legislative measures should follow. When the time comes for unofficial members of Executive Council to assume responsibility for executive administration then the *ex-officio* members should also be withdrawn, but that time will not come until parties have been formed, the unofficial members of the Executive Council represent the majority party in the legislature and the Colony moves into its next stage, that of responsible Government. Should you feel that nominated official members should be retained to assist the *ex-officio* members, I should raise no strong objection, but in view of the proposed provision for the summoning of public officers to take part in the Council's proceedings, I do not see the necessity for the retention of civil servants in the legislature. I accordingly propose that the Legislative Council should consist of the President, three *ex-officio* members, twelve nominated unofficial members and nineteen elected members.

10. Under the present constitution, every constituency save one is a single member constituency, and it was reasonable to appoint nominated unofficial persons to represent the interests of the minorities defeated at the polls, even though these persons may have stood for election and been defeated. Now that the principle of multi-member constituencies has been accepted, no such consideration need be entertained, and in my view it should be an accepted principle that the nominated unofficial members should be persons who have rendered important service to the community, who are able wisely to advise and fearlessly to lead but who are not prepared for many reasons to commit themselves to partisan politics by contesting elections. In the absence of a second Chamber—and a second Chamber may prove to be necessary in the future—it seems to me important that the Legislative Council should contain a number of persons of senatorial capacity and thus provide a stabilising element within the single Chamber. Discretion will, of course, remain with the Governor to submit names of persons who, while perhaps not of senatorial status, may be expected faithfully to represent the interests of minorities not otherwise represented in the Council.

11. If the suggestion in the previous paragraph is accepted, the proposal for the nomination of persons chosen by groups of interests should be dropped. As I have already indicated, it found little support locally, and though I do not propose to enlarge on the reasons for opposition, I think it desirable to indicate the practical disadvantages.

It is doubtful whether the Chinese Chamber of Commerce is in fact the most suitable body to nominate a Chinese representative, and it should be left to the Governor to nominate a member of the Chinese community should he deem it necessary and the Chinese should be free to take part in the normal political life of the Colony through the process of elections.

The suggestion for nomination of a member of an Agricultural Co-operative Society was made at a time when extensive alterations in the franchise were not contemplated and was admittedly a device for obtaining the services in

the Council of a person who might be expected to represent the interests of the small farmer. The reaction of the Indo-Mauritian members of the Consultative Committee to this proposal is interesting. Though they did not say so openly, I have good reason to believe that they feared that that representative would be a man who would "side with the Government." (Here again we meet the assumption that Government must always be opposed.) I prefer to drop the proposal on other grounds. In the first place, if my suggestions for the extension of the franchise are accepted, the need for direct representation of Co-operative Societies and the small farmer disappears. Secondly, of the 14,500 small planters only 4,830 belong to Co-operative Societies, and I do not now wish to introduce a political factor into the normal growth of these organisations. Even if you reject my franchise proposals, a considerable number of small planters could be brought on to the Electoral Roll by a further lowering of the property qualification.

Similar considerations apply to the proposal for nomination of members of Industrial Associations. Apart from the desirability of keeping these Associations out of partisan politics for some years to come in order to encourage their legitimate growth, of the agricultural workers, who number at least 60,000, not more than 2,300 are members of Trades Unions or Industrial Associations, and I am given to understand that these Associations are likely to lose ground in the future, not as the result of opposition by estate managers or of the incapacity of the men into whose hands some of them have recently fallen, but because potential members do not like providing cash for any but immediate benefits.

Since the weight of interest in the rural districts is with the labourers and those interests should be fully represented by candidates of their choice, it is now clear that persons selected by the Associations for nomination to the Council would not necessarily represent the masses of the Indian labouring classes.

The non-Agricultural Trade Unions and Associations are in better shape, with a membership approaching 12,000. They are, however, drawn from the more literate classes and, if my franchise proposals are accepted, a large number of their members will participate in elections in the normal way.

I suggest then that all nominated unofficial members be appointed by the Governor in pursuance of His Majesty's instructions through the Secretary of State. To this suggestion there was eventually no dissentient voice in the Consultative Committee.

12. If my proposals for the constitution of the Legislative Council are accepted and the responsibility for internal affairs placed on the shoulders of a legislature consisting almost entirely of unofficial members, a change must be made in the manner of constituting the Executive Council. The continuance of a system whereby the Governor carries out the instructions of His Majesty's Government with the advice of an Executive Council appointed by the King on the recommendation of His Majesty's Government is bound in Mauritius to lead to continual friction between the executive and the legislature, even though the unofficial members of the executive are in fact chosen from the Legislative Council, more especially since the Governor is dependent upon the Legislative Council for the revenues necessary to carry on the administration. The solution appears to me to lie in the direction of immediately linking up the legislature with the executive and so paving the way to Cabinet Government and collective responsibility. I am not disposed to agree that the Executive Council should be enlarged to any great extent for that will merely still further delay decisions on day to day matters of administration. Neither am I prepared to accept the suggestion that half the normal number of unofficial members of the Executive Council

should be selected for nomination by the Governor and the other half by the legislature; that will inevitably give rise to the conviction that the members selected by the Governor would be expected to be in opposition to those selected by the legislature. There is already too great a tendency in Mauritius to regard "the Government" as a foreign agency which must always be treated with suspicion, which is divorced from real contact with the people and which should in principle be opposed. So long as the principle of the Governor's independence in final decision is retained in the constitution, I consider that it would be a step forward to provide for election by the legislature of four unofficial members of the Executive Council and thus make the legislature responsible to a greater degree for the conduct of Government. The number of unofficial members should not, however, be specified. The Governor should be in a position, *if necessary*, to strengthen his Council by recommending the appointment of additional members.

The choice should be made by the Legislative Council by election on the basis of a single transferable vote to ensure the representation on the Executive Council of any large minority in the legislature. I further recommend that the term of office of an elected nominated unofficial member should be two and a half years from the date of appointment or until the first meeting of a newly elected Legislative Council, whichever period shall be the less, and a member whose period of office has come to an end should be eligible for re-election. It will, I think, be necessary to provide for the termination of appointment on specific grounds, including breach of secrecy. I advocate the retention in the Royal Instructions of a discretion in His Majesty to direct the appointment of other members if need be so that the Governor would be in a position to correct any instability in his Executive Council: it is to be hoped that he would not have to exercise that discretion.

13. I stand firm by the proposal that female suffrage should be introduced into the Colony. During the proceedings of the Consultative Committee, I repeatedly, and vainly, asked for some convincing argument against female suffrage. The Indian members did not approve the idea, since, on the proposed franchise, they felt that the vote would only be exercisable by the women of one class, in other words they were "counting votes." They had no really convincing argument for the retention of a distinction which has been abolished in most civilised parts of the world.

14. As regards the basis of the franchise, it will be noted from the fourth enclosure* to this despatch that, of a total French, Coloured, British and Chinese adult population of over 83,000 only 7,495 persons (or 9 per cent.) possess a vote under the existing franchise. The percentage of literates in English or French characters is 49 and of these 18.3 per cent. have a vote. The Indo-Mauritian adult population numbers 135,900; of these 4,349 (or 3.2 per cent.) possess the vote; 15 per cent. are literate in English or French. The retention of the property qualification, even if lowered, would still leave a very large number of persons without any right to participate in the election of representatives of their interests. The soldier's qualification will bring a large number of persons on the Electoral Roll, but will still leave the Indian labourer outside the official political life of the Colony: the principal difficulty all along has been to secure the representation of labour. The educational standard was introduced solely to enlarge the Electoral Roll and, though it was suggested by Mr. Ridley in 1940, it has not very much to commend it in 1947 for there are already signs that this proposed qualification is having a disadvantageous effect on the educational policy and practices adopted as a result of the Ward Report, and I certainly wish to be no party to introducing partisan politics into the primary schools. The salary and wage qualification

* Not printed.

will not be possessed by many persons who nevertheless earn, by working on their own account, more than many salaried persons or wage earners. It is difficult to see the justification for giving the vote to a Grand Bande labourer while withholding it from a successful barber or a hard-working carter.

15. This, then, is the problem. How to bring the diverse elements of this heterogeneous population into the proper channels of political development without at the same time running the risk of political domination of the Colony by the representatives of an ignorant and illiterate electorate forming a particularly attractive hunting-ground for unscrupulous and subversive demagogues. The exclusion of the bulk of the labouring classes will foster resentment in all sections of those classes and will inevitably tend to drive them into the arms of mischievous and disloyal political opportunists. Feeling that they have nobody to speak for them directly elected by them, they will tend more and more to rely upon intemperate and unconstitutional action. I have come to the conclusion that, given adequate safeguards such as complete discretion in the nomination of unofficial members, the power of veto, the retention in the hands of His Majesty's Government of the power of disallowance, a risk should be taken now and not a few years hence, when it may be extremely difficult to resist the impression that political rights can be obtained by subversive activity. There is no need for me to point to the differences in the world situation which have arisen between 1944 and the present day and I come forward with the suggestion that, save only a business qualification, all property and similar qualifications and the education qualification be displaced by a simple literacy requirement. The "soldier's qualification" should be retained, with no literacy test attached. The contacts made by the soldier during his year of service will make up for the deficiencies attaching to illiteracy.

I admit at once that the literacy requirement, which should be so framed as to ensure a real test, is introduced as a matter of expediency at this stage to prevent the Electoral Roll being swamped by thousands of persons whose inability to read the printed word places them at the mercy of those who can. I consider that it would be most unwise to introduce universal adult suffrage at this stage and I hope that you will agree with me. I fear that the grant of universal suffrage at this stage would intensify communal differences.

16. These proposals will meet with the unqualified disapproval of large sections of the Mauritian population, but I think it must be made clear now that the retention of a privileged position must no longer be secured by a constitutional instrument but by the conscious effort in the public interest of those who claim to lead in public life and on the other hand that the acquisition of political rights must normally be dependent on the ability to put forward claims thereto without assistance from others.

17. It is true that the extension of literacy (as distinct from education) brings its own dangers in a country where the standard of the local press is, generally speaking, low and where a malevolent man of straw, equipped with a printing press, can do untold damage to a credulous people. It is also true that a franchise once enlarged cannot be again restricted, so that whatever the position to-day, with its precarious balance, an upset of that balance by, for example, population movements, might well result in the political extinction of the important minority communities. There is, too, the special complication arising from the existence of permanent settlements of people of European origin, greatly outnumbered by other races. The adoption of the normal method of representation might eventually here result in placing the Indo-Mauritian majority in political control of the "European" minority and, unless the Indo-Mauritian political leaders evolve a real Mauritian consciousness, this development might have very ill effects. On the other hand, if the bulk of

their community is kept out of political life, it is hardly to be expected that the Indo-Mauritian leaders will not be embittered. It may well be that the institution of a Second Chamber will at no distant date become a matter of urgency.

18. Lord Hailey has pointed out (Romanes Lecture delivered in the Sheldonian Theatre on the 14th May, 1941) that there are two requisites for the successful working of Parliamentary institutions—

“The first is the existence of a society whose structure is such that its different elements will not hesitate to join in finding representatives to whom the conduct of their common interests can be entrusted. The second is an unquestioning faith that Parliamentary institutions constitute the only agency by which the welfare of the community as a whole can be secured. The efficiency of the machinery of government built upon this foundation will doubtless depend on the political capacity and practical sense of the people at large; but unless this foundation exists, the machinery of Parliamentary government will either fail to operate at all, or will speedily break down. There are among the Colonies some societies so composed as to present obstacles of a structural nature to the development of a Parliamentary form of government.”

This may be one of those Colonies if the present inherent tendency to split up politically into reciprocally antagonistic racial, religious or social groups is checked by some unifying process of which the most potent would be the full realisation of a common economic interest or threat. In the meantime our attempts to develop a “Parliamentary system of government based on representation of the usual type may produce situations which, so far from assisting a community on the road to self-government, may in the end create an argument for withholding it.” So be it, but I feel that the risk must be taken if an intractable problem is to be solved: there is here and at this stage of the Colony’s history no perceptible alternative.

It is presumably not the intention of His Majesty’s Government to abandon safeguards imposed in the interests of minorities and of the financial safety of the Colony. On this assumption, I see little danger in extending the franchise and enlarging the scope and powers of the Legislative Council in the manner suggested. The danger of spoliation of Mauritian by Mauritians and their deprivation of rights to land and other property lawfully acquired and long enjoyed is, with these safeguards, too remote to warrant prolonged consideration.

19. The right to vote in respect of a business qualification may be defended on the ground that the person to whom the right is given has an interest in the representation in the Legislative Council of the constituency in which his business is. He still has that right in England and I propose that he should retain it here in respect of premises occupied and paid for by him for the purpose of the business, profession, or trade in which he is engaged of the annual rental value of not less than two hundred and forty rupees a year. No person should be permitted to be registered as an elector in respect of more than one qualification, residential or business, in any one electoral district or to be registered in more than two electoral districts. That is to say, that if his residence (his home and where he sleeps) is the same electoral district as his business premises, he will only be registered once. If he has a place of business in another electoral district he may be registered in that district as well, but, in no case, may he be registered in more than two electoral districts. Salaried or wage-earning employees, like every other elector, should be registered in the districts in which they normally reside.

20. One good effect of a “broadened” franchise will be the weakening of the political influence of the civil service which operates to bring pressure

to bear both on elected members and on the Government through the Legislature. This is not an uncommon feature of Colonial Services largely recruited locally, but it is wholly mischievous.

I am convinced that the disproportionate influence of the Civil Service Vote has resulted in indiscipline and consequent decline in efficiency and self respect. While fully conscious of the fact that in normal circumstances Civil Servants as a whole are persons admirably fitted and entitled, on a basis of equality with other citizens, to possess the vote, there are special circumstances in this Colony which have made the exercise of that right by Civil Servants an evil which must be rectified if this service is to achieve efficiency or the honourable standards which obtain elsewhere. I believe I am right in saying that almost thirty per cent. of the present electorate consists of Civil Servants and I have noted with regret, a fact which has been shared by more than one of my predecessors, that Civil Servants in this Colony concern themselves far too much with local politics to the detriment of the service. They regard politics as a means to their own advancement and to that end do not, for the most part, hesitate to endeavour to bring political pressure to bear upon the Government and its officers. Nothing more is required than to follow a budget debate to see clear evidence of where approaches have been made by disgruntled Civil Servants to elected members of the Council with a view to having their "grievances" ventilated, a process almost invariably accompanied by a suggestion for an increase in salary. As I have indicated, I am not alone in this opinion, for as far back as 1909, a Royal Commission appointed in that year reported as follows—

"The total electorate is less than two per cent. of the population; and, as the number of Government servants drawing salaries of Rs. 600 and over is more than 1,400, it is probable that between 20 and 25 per cent. of the electors are Civil Servants. The existence of so large a proportion of Civil Servants among the electors is not conducive to discipline and good government in a small colony where so many of the questions which come before the Legislature relate wholly or in part to the organisation or working of Government Departments."

Nevertheless, I cannot bring myself to support a recommendation which has been made to me that no Civil Servant or other person holding an office of emolument under the Crown shall be entitled to exercise the right of voting. One can only hope that an enlargement of the electorate will assist to rectify the position.

21. I propose no alteration in the electoral divisions suggested in paragraph 7 of the Summary of Proposed Constitutional Arrangements presented to the Council of Government on the 29th October, 1946,* or in the number of members to be returned. I am still in favour of multi-member constituencies and I trust that you will agree to retain them.

The number of members to be returned for each electoral district was, in 1945, based on the total population of each district in relation to the proposed total number of elected members and an extra member was added for Porth Louis by reason of its commercial and administrative importance. The total *adult* British population of the Colony, that is the total number of potential electors, is estimated to be 219,378 or 12,188 per elected member (excluding the additional member for Port Louis). Using this quota, the allotment of members to constituencies works out thus—

Plaines Wilhems and Black River	...	...	5.8	...	6 members
Moka and Flacq	...	...	3.1	...	3
Port Louis	...	...	2.9	...	3
Grand Port and Savanne	...	...	3.4	...	3
Pamplemousses and Rivière du Rempart	...	...	2.8	...	3

which, as might be expected, gives the same results as before.

* Not printed.

The only justification for an additional member for Port Louis is that it is the administrative and commercial capital. If the business premises qualification is granted, there *may* be some argument for regarding Port Louis as politically more important than the other constituencies: if it is withheld, Port Louis should return three members only.

I have not found it practicable to divide Plaines Wilhems into two electoral districts: my advisers have been able to find no convenient boundary.

22. You have on more than one occasion stressed the desirability of pressing on with the modernisation and extension of local government and I have made this one of my main preoccupations since 1943. Progress in this, as in many other important matters, is very slow in this most conservative Colony, but I am glad to be able to inform you that the Select Committee appointed to examine Mr. J. B. Swinden's Report on Local Government in Mauritius has concluded its labours and submitted its conclusions, with some of which I am not in agreement. I attach a copy of the Select Committee's Report,* for your information only at this stage.

In the rural areas of the south, the Civil Commissioner is doing excellent work and the forthcoming arrival of Colonel Yeldham will expedite the development of local government in the north and will at the same time provide that close and daily contact with Government which is still lacking. I have provided in the Estimates for 1947-48 for a third Civil Commissioner, who will take charge of the Moka and Flacq districts. This area contains a population of over 73,000 souls, of whom over 57,000 are small planters and labourers and their families: save in three villages there is no vestige of district administration or local government.

23. The remaining proposals for ensuring the political development of Mauritius in so far as they relate to a revision of the constitution have been generally accepted and there is no further necessity for me to discuss them.

In summary my present recommendations are—

(1) selection by the Legislative Council of four unofficial members of that Council for appointment to the Executive Council;

(2) a Legislative Council consisting of the Governor as president, three *ex-officio* Members (the Colonial Secretary, The Procureur and Advocate General and the Financial Secretary,) twelve Nominated Unofficial Members and nineteen Elected Members;

(3) Nominated Unofficial Members to be appointed by the Governor in pursuance of His Majesty's instructions through the Secretary of State;

(4) any person, male or female, unless specifically disqualified, to be entitled to be registered as an elector in the district in which he normally resides who (a) is a British subject and of the age of twenty-one years and upwards; and (b) has ordinarily and *bona fide* resided in the Colony for the immediately preceding two years; and (c) possesses at the date of registration, in the electoral district in which he claims to be registered, one or more of the following qualifications:

(i) is ordinarily resident within such district and able, to the satisfaction of the registering officer, and in his presence, with his own hand to subscribe his name to his claim to be registered, and to write thereon the postal address of his place of residence and his occupation, in English, French, Hindustani, Tamil, Urdu, Gujerati or Chinese languages or in the "Créole Patois"; or

* Not printed.

(ii) is ordinarily resident within such district and has, before that date, served at any time for a period of at least twelve consecutive months in the armed forces of the Crown and is either still so serving or has obtained, on discharge from the said forces, a certificate showing his conduct during such service to have been satisfactory. (For the purposes of this sub-paragraph conduct described as fair shall be deemed to have been satisfactory); or

(iii) is, and has for the six months immediately preceding that date been, the owner or occupier (? lessee) of business premises situated within such district.

There should be added a proviso that no person shall be registered as an elector or shall vote in respect of more than one qualification in any one electoral district or in respect of more than two qualifications in all.

24. I am fully aware of the dangers attaching to a constitution such as the one proposed. Sir Hugh Clifford pointed them out twenty years ago and his views have been widely supported by other students of Colonial constitutional progress. I am myself familiar with the problems produced and the friction and deadlock which may be caused by the opposition of an irresponsible representative majority to an irremovable executive. A representative assembly is or may be an unsatisfactory half way house between a benevolent autocracy and responsible government, and it depends for its success upon tolerance, a readiness in both executive and legislature to "give and take," and a determination by all concerned to make the system work until the Colony is prepared to undertake and accept responsible Government with all its implications. The alternative is to be prepared, if it does not work, for the abrogation of the constitution, an alternative which the intelligence of Mauritian gentlemen, who have already pronounced against the immediate grant of responsible Government, will induce them to avoid at all costs.

I have, as you know, for some time desired to submit proposals for a more liberal constitution than the one which has been under consideration since 1944 provided that adequate safeguards against possible developments could be found. The discussions in the Consultative Committee, and especially the debates relating to responsible Government and the nomination of persons who would not normally be expected to submit themselves to the electorate, the withdrawal of all effective opposition to the retention of the Governor's power of veto and reference, the willingness shewn by most members of the Committee to agree to the withdrawal of the majority of *ex-officio* and nominated official members from the legislature and the consequent assumption of real responsibility by unofficial members for legislation and supply, have encouraged me to re-cast my proposals to conform with the views that I have so often expressed that Mauritians are capable of assuming the functions of government much more rapidly than they themselves have hitherto believed. I hesitated during the war and the troubled year which followed its conclusion to place too many further responsibilities on their shoulders, but I have recently been much heartened by the reinvigoration of the Council of Government, by the really constructive work of the unofficial members of the Executive Council, by the greater sense of proportion shewn in matters relating to the Civil Service, by the steady, if slow, growth of village councils, by the falling out of favour amongst sober, honest men of those who have hitherto proceeded on the assumption that Trade Unionism and class warfare are synonymous terms and that political capacity is evidenced by libellous vituperation. I do so cordially agree that we need to adjust ourselves to a much quicker tempo of constitutional development than would have seemed practicable a few years

ago and I am emboldened to place before you proposals which should, I submit, go far to satisfy the legitimate political aspirations of all classes without inducing or permitting any class or community to move precipitately towards political or economic confusion. I have always believed that the root causes of discontent in this insulated community are economic and not political, and I have not ceased to hope for the emergence of a movement directed rather to the improvement of social and economic conditions than to the emphasizing of communal or class differences. Good crops, good prices, good wages and cheap food would go far to assuage the present discontents. At the same time, men are ever ready to believe that the absence of these good things is due to maladministration: the remedy is to bring them into the political picture. It is astonishing how many experienced persons dispute this obvious truism.

25. I now await your decision.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

DONALD M. KENNEDY,

Governor.

III. Despatch from the Secretary of State for the Colonies to the Officer Administering the Government of Mauritius

COLONIAL OFFICE,
DOWNING STREET,
16th August, 1947.

No. 179

SIR,

I have the honour to acknowledge the receipt of Sir Donald Mackenzie-Kennedy's despatch No. 14 of the 21st April, transmitting his revised proposals for constitutional reform in Mauritius. I should like, before proceeding to refer to those proposals, to take this opportunity of expressing my appreciation of the very lucid and able manner in which the important issues involved have been presented to me.

2. In order that all sections of the community should be aware of the nature of the recommendations which the Governor has made to me and of the background against which the conclusions which I set out below have been reached, I have approved the suggestion which the Governor has made to me that both his despatch and this reply to it should be published.

3. Public opinion in Mauritius is sufficiently well informed of the proposed constitutional arrangements set out in the Summary presented to the Council of Government on the 29th October, 1946, for it to be unnecessary for me to recapitulate those proposals in this despatch, and I will, therefore, confine myself at this stage to dealing with the important modifications in those proposals which I have now decided to approve. These modifications relate—

- (a) to the composition of the Executive Council;
- (b) to the composition of the Legislative Council, as it will in future be called;
- (c) to the method of appointment of Nominated Unofficial Members to the Legislative Council;
- (d) to the qualifications for registration as an elector; and
- (e) to the abolition of the property qualification and the introduction of female suffrage.

4. In all these matters I have given the Governor's recommendations most anxious and careful study, and I am glad to have had the opportunity of personal consultation with Sir Donald Mackenzie-Kennedy, which has enabled me to obtain a very full appreciation of the issues involved and of the various views which have been expressed to him in the course of his local discussions. It will be convenient if I refer to these matters in the order set out above.

5. I will refer, in the first place, to the question of the composition of the Executive Council. At first sight the Governor's proposal for the election by the Legislature of 4 Unofficial Members to that Council did not appear to me to be free from objection. I appreciate, however, that it is Sir Donald Mackenzie-Kennedy's desire to provide a means by which the people of Mauritius could, with confidence, feel that their representatives on the Executive Council were, in fact, truly representative of unofficial opinion. After very full consideration, therefore, while I feel that some different arrangements may be preferable at a later stage of the Island's constitutional progress I have decided to accept the proposal as a transitional measure.

The detailed arrangements for it to be given effect will be considered in the course of drafting the new Constitution, but I do not contemplate that they should be contained in the Constitution itself.

6. As regards the composition of the Legislature, I approve the Governor's recommendation that it should be composed as follows—

Governor as President;

3 Ex-Officio Members (the Colonial Secretary, the Procureur and Advocate General, and the Financial Secretary);

12 Nominated Unofficial Members; and

19 Elected Members.

It will be observed that I have accepted the Governor's view that the inclusion of 5 Nominated Official Members in the Legislature is no longer required in view of the provision which will be made in the new Constitution for the summoning of public officers to take part in the Council's proceedings when necessary.

7. I am satisfied that the time has come when the people of Mauritius should be able to express more effectively in the Legislature, by means of an elected unofficial majority, their desires in matters relating to their internal affairs. At the same time, it is the duty of His Majesty's Government to ensure that all sections of the community are adequately represented in the councils of Government, and it will be possible for the Governor to secure this by the appointment of Nominated Unofficial Members, many of whom will, no doubt, be persons who will fill the role of "elder statesmen" and whose presence in the Legislature cannot fail to be of the greatest benefit to its deliberations. I need hardly say that such Nominated Unofficial Members will be entirely free in all matters to express their views in accordance with the dictates of their conscience.

8. Under the Summary of Proposals originally submitted to the Council of Government it was contemplated that 4 of the Nominated Unofficial Members of the new Legislative Council should be nominated by certain bodies or associations for appointment by the Governor. As a result of further local consultation, Sir Donald Mackenzie-Kennedy has advised me that this method of appointment is not one which would, in fact, command any large measure of support. He has, accordingly, recommended that it should not be adopted in the amended Constitution, and I have accepted his proposal that all the Nominated Unofficial Members should be appointed by the Governor in pursuance of instructions from the Secretary of State. I need hardly emphasise the importance which I attach to the selection of fit and proper persons for this purpose.

9. Of all the variations from the Summary of Proposals already placed before the Legislature, I regard those relating to the franchise as of the greatest importance. I find myself in agreement with Sir Donald Mackenzie-Kennedy's considered view that the time has come when the responsibility for electing Members to the Legislature should be shared amongst a considerably larger number of persons than originally proposed, and I have welcomed the suggestion which he has made with the object of securing this. At the same time, I regard it as important that those who exercise the vote should as far as possible be persons who, by reason of their ability to be conversant with political and other current events, are likely to be able to vote with discrimination. It is with these considerations in view that, after discussion with the Governor, I have approved the amended qualifications described in the next paragraph.

10. I have decided that any persons who are British subjects of 21 years of age or upwards and have been ordinarily and *bona fide* resident in the Colony for a period of 2 years preceding an election, and—

(a) being ordinarily resident in some electoral district, are able to read and write simple sentences and sign their names in one of certain specified languages to the satisfaction of the Registering Officer; or

(b) being ordinarily resident in some electoral district, are qualified as serving in the Forces, or as ex-servicemen discharged with certificate of satisfactory service; or

(c) have been for 6 months previous to the date of registration owners or occupiers of business premises in an electoral district;

shall, unless debarred under the specific disqualifications already proposed in the Summary, be entitled to vote. It will be observed that the property qualification has been abolished. These changes, together with the introduction of the franchise for women, which I have also decided to approve, constitute a very important advance, and are changes which I am particularly glad that the Governor has felt able to recommend. On the other hand, I have felt bound to accept the Governor's proposal that no person registered as an elector shall vote in respect of more than one qualification in any one electoral district, or in respect of more than two qualifications in all, and I am also in agreement with his view that the literacy test, though simple, shall provide a reasonable test of ability to read and write. I accept also his recommendation in favour of the retention of multi-member constituencies.

11. I consider that these changes go as far as is practicable in the direction of developing democratic institutions at the present stage of the constitutional progress of Mauritius, but I regard them as a step in the evolutionary process which should culminate in the achievement of full adult suffrage at a later stage.

12. I consider that the consultations which have taken place in Mauritius and my discussions with the Governor have brought this matter to a point at which it is for me to give a decision, and with a view to the introduction of the new Constitution as soon as is practicable. I have accordingly given directions for the preparation of the necessary Constitutional Instruments to give effect to the above proposals to be concluded as quickly as circumstances permit. Points of detail raised in Sir Donald Mackenzie-Kennedy's despatch of the 21st of April but not mentioned in this despatch will be considered at the same time.

13. I trust that all sections of the community in Mauritius will join in making the new Constitution operate to the benefit of the community as a whole. In so doing they will show their appreciation of the untiring efforts which the Governor has made, in consultation with their representatives, to ascertain what measures of constitutional reform would be most generally acceptable and to place before me the recommendations which I have now approved.

14. I shall be grateful if you will inform me, by telegram, of the date on which this despatch and that to which it replies will be published in Mauritius.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

A. CREECH JONES.

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