

SOUTH AFRICA DEBATE IN THE HOUSE OF LORDS.

LORD OLIVIER'S MOTION DRAWING ATTENTION TO THE DISABILITIES OF INDIAN SETTLERS.

In the House of Lords on Wednesday, February 24th Lord Olivier rose to call attention to apprehensions publicly expressed by the Governor-General of India in reference to legislation proposed by His Majesty's Ministers in the Union Government of South Africa affecting the rights and interests of subjects of His Majesty of Indian origin or descent, domiciled in South Africa, and to ask the Secretary of State for India whether he can give this House an assurance that such rights and interests heretofore lawfully enjoyed will be equitably guaranteed and maintained; and to move for Papers.

The noble Lord said: My Lords, the observations of the Governor-General of India to which I desire to call your Lordships' attention are reported in a Renter's telegram in "The Times" of January 21 last. They were delivered at the opening of the Indian Legislative Assembly. The report states:—

"Speaking of the position of Indians in South Africa, Lord Reading said that there had been continuous progress in the legislation in South Africa prejudicial to the position of Indians and tending to make it increasingly difficult for them to prosper or even exist in the Dominion, and further anti-Asiatic legislation had been recently introduced and was now pending before the Union Parliament. The purpose of this legislation was to empower urban authorities compulsorily to segregate Indians and confine their rights of trading and of acquiring property to the limits of the areas assigned to them. The Bill also contained further restrictive provisions in regard to the acquiring or leasing of land outside the coastal belt in Natal, the immigration and importation of wives and families, and inter-provincial movements.

"The Townships Bill (the Viceroy continued) contains what appears to my Government to be a radically objectionable principle, and the existing aversion from this policy has been intensified by the statement of Dr. Malan, in introducing the Bill in the Union Assembly last July, that the measure was based on the general proposition that the Indian was an alien element in the population of the Union and that no solution of the question would be acceptable unless it resulted in a very considerable reduction of the Indian population."

After further observations, His Excellency went on to say:—

"We have never doubted the right of South Africa to guide the course of their own domestic and economic legislation but in our view there are far wider considerations involved in this legislation than local economic policy alone. In our opinion they have an important bearing upon the Empire as a whole. The proposed measures are not, in our view, in accordance with those principles which bind the Empire together in a community of sentiment, and we hope this aspect of the proposals may yet commend itself to South African opinion. Even on the narrower issue of economic necessity we believe, from information now received by us, that the situation may be capable of adjustment in other ways. Our negotiations are still proceeding, and we shall continue to press our views to the utmost of our ability. We cannot say whether we shall succeed in our endeavours, but I hope that a cause which, as it appears to us, has reason and equity on its side will ultimately prevail."

Lord Reading, in this last Session of the Legislative Council, is still maintaining that unwearied championship of the rights of Indians in Africa which has distinguished him and a continuous line of his predecessors in their dealings with the interests of India. There has been an unbroken succession of representations from His Majesty's representatives in India on behalf of the rights of Indians in South Africa and other Colonies, and I trust that this last pronouncement of Lord Reading and the action he has taken may really bring matters in regard

to the rights of our fellow subjects in India to a head and let us have some kind of moratorium from this continual pressure upon them which is being exercised to the great disturbance of our own Imperial relations with India.

I should like to take this opportunity, if I may, in view of the pending retirement of Lord Reading from the Governor-Generalship, to congratulate His Majesty's Government on the selection which they have been able to make for his successor. I think I may personally say this because at the present time His Majesty's Government have to deal in India with constitutional questions of profound difficulty and it happens that I myself some years ago was personally brought into contact with Mr. Wood, as he then was, in regard to a mission to the West Indies, in which he was deputed to inquire into the constitutional aspirations of the people in that part of His Majesty's Dominions. I had several long conversations with Mr. Wood and read with great interest the Report which he made afterwards. As your Lordships are aware, I have been familiar with the peoples of the West Indies for many years. I am pretty conversant with their feelings with regard to constitutional questions and the franchise and electoral questions, and I was profoundly impressed by the acumen, sympathy and real depth of intelligence and understanding which were displayed on a short visit by Mr. Wood in his dealings with these constitutional questions in the West Indies.

When I saw that His Majesty's Government had been able to recommend that gentleman to His Majesty for this highly important position, I felt that I knew nobody in contemporary politics or contemporary administration whose appointment would give myself, so far as I was able to judge and, I am sure, others who sit behind me who know Lord Irwin better than I do, greater confidence that the great constitutional difficulties which face us in India will be dealt with in the most intelligent and far-sighted spirit. I do desire to give this word of congratulation to His Majesty's Government upon the prospect of having the political affairs of our Indian dependency carried on from that point of view with the greatest possible efficiency.

After that digression I should like to mention a few facts with regard to the history of the settlement of Indians in South Africa. It dates from the year 1860 and the point to be noticed is that the settlement of Indians in South Africa beginning with the settlement in Natal, was from the first a settlement strenuously demanded and promoted by the Government of Natal and that the prosperity of the sugar interest in Natal was founded, and for many years depended, upon Indian immigration. Therefore, for nearly fifty years, from the year 1860 to 1908, it was the policy of the Government of Natal and of the South African Government generally to encourage the immigration of Indians into Natal and for the first part of that period, for twenty or thirty years, not only to encourage them to come in and work upon the plantations but to encourage them to settle. As part of the inducement to come into Natal, they were offered, in lieu of a return passage, a grant of land upon which to settle and they were repeatedly guaranteed by His Majesty's Government and by the Union Government that they would be under no civil disabilities whatever that they would be going from poverty and perhaps a restricted social position in India to a country where they would be free, where there was no discrimination against colour or race, to the Colony of Natal, which was founded on Queen Victoria's birthday, with a Proclamation, issued in Her Majesty's name, to the effect that there should be in the Colony no discrimination or distinction whatever in regard to rights against any person on account of grounds being of any privileges of the law from any person, and no restriction of any privileges of law to any persons on the grounds of race or colour.

They were given those guarantees which were at that time given to every person in the British Empire—guarantees that they should have absolutely free, equal and just treatment. In those circumstances a very extensive colonisation of Natal took place. More than 100,000 Indians came there, set up their domicile and brought up their families there. Later on, after about thirty years of immigration, the Natal Government began to be afraid that they were getting too many Indians settled in the Colony, and they changed their policy so far that they discouraged settlement. They withdrew the land grants and they offered repatriation passages. They also, later, began to offer a bonus to Indians who would return. But for the first thirty years not only were they offered land grants but they were also required, after their indentures had expired, to spend five years in the Colony before returning to India in order that they might help in building up the industries of the Colony. Simultaneously

with those who came with their indentures and were employed on the plantations, the Government encouraged the immigration of a large number, mainly of Mahomedan Indians, from Surat and the West Coast of India, to meet the needs of the population as traders and business men and some of them as artificers.

The whole history of this business upto 1908 has been continual request on the part of Natal that Indians should come and work there. But about the year 1900, or shortly after, the alarm of white people in South Africa with regard to the competition of Asiatic labour in their midst began to set up a counter-current and disabilities began to be imposed upon Indian settlers in Africa. Those disabilities were strongly resented by the Indian Government and very strongly resented indeed again and again upon the Benches of this House and in the most eloquent terms. By degrees the injustice and pressure put upon Indians after they had been imported at the urgent request of the planters, to turn them out of the Colony at the urgent request of the traders, became so serious that the Government of India refused to allow any further immigration of Indians into Natal. At the same time there were domicile in Natal, as I have said, more than 100,000 Indians and their families of the first and second generations employed in agriculture and in business all over the country. In other parts of South Africa as well there were these people who had come into the Colony under a perfectly and guaranteed statement of principle of law with regard to the position under which they and their descendants would be entitled to live there—namely, with the ordinary rights of other British subjects, and no question whatever about it.

It was against this encroachment upon these guaranteed rights that the Indian Government so repeatedly and constantly fought, as it is at this moment having to fight. That, then was the position so far as the settlement of Indians in Natal was concerned. That was the position to which Lord Reading was calling attention in his observations in the Legislative Assembly. Since the date of Lord Reading's speech the position in South Africa regarding the infraction of the rights of Indians has been rendered very much more acute and serious by the re-introduction of what is known as the Colour Bar Bill, which was introduced last year in the Legislature of the Union of South Africa and was thrown out in the autumn of last year by the Senate of the Union of South Africa. That Colour Bar Bill has been re-introduced and it very strongly complicates the situation.

I must trouble your Lordship with a few references to the Colour Bar Bill and the manner in which it aggravates the grievance which is now being felt by Indians on account of the Areas Registration Bill. I am glad to say that the very strong indignation which the re-introduction of the Colour Bar Bill and the introduction of the Areas Registration Bill would undoubtedly have excited in India has been restrained by the prudent words and advice of Lord Reading and also by the success of his diplomacy, or the diplomacy of that deputation which has gone to South Africa, in inducing the Government of the South African Union, although they have passed the Colour Bar Bill without hearing Indians on the subject, to allow the Indian deputation now in South Africa on behalf of the Indian Government to be heard by a Select Committee of the Legislature before the Second Reading of the Areas Registration Bill takes place, so that the principle of that Bill may be discussed, and it may be possible to exercise some influence upon the Government of South Africa not to proceed with that Bill. On the other hand, they would naturally commit themselves by a Second Reading to the undiluted principle of that Bill. That this action has been taken shows, I am glad to say, a very friendly spirit on the part of the South African Government towards the representations that have been made to them on behalf of the Government of India. That is a satisfactory element in the situation. But the question of the Areas Bill is in suspense, and I trust there may be hope that it will not be pressed to extremes.

I would like to return now to the Colour Bar Bill which has recently been reintroduced. This Bill purports to amend the Mines and Works Act of 1911, upon the plea that some amendment is necessary to enable certain colour bar regulations to be validly made which, when they were attempted under that Act previously were declared by the Courts of the Transvaal to be invalid. The Mines and Works Act enables the Minister for Mines and Industries to require that persons employed in and about machinery shall be so qualified that they can carry on their occupation without danger to those who might be affected by inefficiency. Under that Bill the Minister made certain regulations prescribing that no native or Asiatic should be allowed to be employed in or about mines, works or machinery.

A prosecution was entered against a gentleman named Hildick-Smith on the ground that he had employed a native who was perfectly qualified—it was admitted in evidence that the man was perfectly qualified—to drive an engine. He was acquitted by the magistrate, who took a very intelligent view of the regulation that a person could be declared not qualified to receive a certificate of competency to run machines because he was a coloured man, and held that it was “*ultra vires*.” The Attorney-General, on behalf of the Crown in South Africa, appealed to the Bench and the Bench of four Judges upheld the decision of the magistrate. There is a rather interesting passage in the judgment of one of the Judges, Mr. Krause, who is not himself a South African, which I should like to read to your Lordships:—

“It is remarkable that one of the oldest laws of the Transvaal dealing with the native population recognises the fact that ‘the ignorance, usages and customs of the native population render them unfit for the duties and responsibilities of civilised life.’ However, in providing for their better treatment and management by placing them under special supervision, the law-giver expresses the desire that the differentiation shall only continue to exist ‘until they shall be able to properly understand—’ using a split infinitive which has been condemned in your Lordships’ House—

“‘and appreciated such duties and responsibilities as they may reasonably be deemed capable of performing in obedience to the general law.’ This law contains no provision restricting or prohibiting the native from competing with the white man”—

this is the sole and simple reason for this Colour Bar Bill—

“or debarring him from following any trade or occupation he pleases; in fact, the policy the Statute seems to contemplate his gradual emancipation, and seeks to encourage and educate him ‘to understand and appreciate the duties and responsibilities of civilised life.’”

All of which, of course, applies equally to Asiatics who are at present in the Transvaal—

“The policy of the regulation, on the contrary, deprives the native from enjoying the very fruits of his advancement by prohibiting him from performing such work as in this case it was proved he was capable of doing. Greater repugnancy can hardly be imagined.”

The whole case of the Indian Government against the oppressive and repressive legislation that is continually being exercised against Indians is that it is entirely repugnant not only in its foundation principles to the idea of the British Empire but also to statutory rights and common law rights under which Indians have settled in South Africa.

This Bill practically enacts that no Asiatic shall at any time be deemed competent or be allowed to be employed in any mines, works or industries in which any kind of mechanical propulsion is employed. They may not, for instance, be employed in brick work, in lime works and in sugar mills. I may point out that the Indians are largely engaged in the sugar industry and they may not be employed, as at present, in boiling sugar, being totally excluded by the provisions of this Bill from being allowed to make use of their faculties to obtain the benefits of any kind of technical education or advancement, in order that they may be kept down as an unskilled proletariat. That is the whole tendency of the legislation now being supported by the Government there and by what I regret to say is called the Labour Party in South Africa.

FATAL WAY OF DEALING WITH THE QUESTION,

I am not going into the reasons that are given by the Labour Party in South Africa for continuing what I regard as such a wrong-headed and fatal way of dealing with this question, nor as to why they do not deal with it as it would be dealt with in England—namely, by setting up a trades union standard, and insisting that certain qualifications shall be complied with. Why they are not able to do that in relation to their own capitalist employers is a matter of rather complicated history. It happens that the South African skilled workers are in a difficult and weak position, and find themselves continually liable to be under-cut by the engagement of equally skilled African natives at wages much less than those which would have to be paid to skilled white workers. It is as a self-protective measure, proceeding as I am convinced on entirely short-sighted lines, that they are supporting this. It is a mistake not only from the point of view of the skilled workers themselves, but very much more so from the point of view of South Africa.

That your Lordships may not think that I am exaggerating the case, I will read the words that were spoken by General Smuts last year when this Bill was introduced. He implored the Government to separate the Asiatic question from the colour bar, and also not to bring Asiatics into that Bill. General Smuts then said:

"We shall gather on our heads the hatred of the whole of Asia. We shall feel the weight of that hatred in the years to come. The Bill will be taken as an outrage not only by Black Africa but by Yellow Asia. We, a handful of whites, are ring-fencing ourselves, first with an inner ring of black hatred, and, beyond that, with a ring of hatred of the whole of Asia, for while only a few Asiatics are directly affected by this Bill, the inclusion of their name will win us the hatred of hundreds of millions of Asiatics from the north of Asia to the south."

As your Lordships are no doubt aware, General Smuts is not an alarmist nor a man who has shown himself urgently desirous that the rights of Asiatics in South Africa or in Kenya Colony shall be maintained so fully as we desire them to be maintained, but he tells us, as a statesman who can interpret these things from his own experience in the Imperial Conference, what are the reactions of Legislation of this sort upon India, and upon our relations with India.

He tells us, in words more vigorous than I should venture to use on the subject what is the plain truth. When the Bill was re-introduced the other day in the South African Parliament he repeated what he had said before, and added these words:—

"A year ago I warned the Union Government that the effects of their policy would not stop in South Africa, but would provoke a world's conflict."

Dealing with the present Bill he said:—

"An extension of the colour bar at this moment, when the Prime Minister is on the point of bringing forward a new native policy, would be disastrous.... Native opinion is largely in revolt. The natives are seething with discontent all over South Africa.... It is not only the natives who are making difficulties. There is no doubt that when the Asiatic Bill is passed the trouble will begin. We know it is coming. The Asiatic Bill must lead to the gravest troubles of administration. I knew that in 1924. It is inevitable. In these circumstances the Colour Bill gratuitously produced here, is a firebrand flung into a haystack."

Not only have you the Government of India expressing apprehension, but you have also General Smuts expressing the gravest possible apprehensions as to the results of this Bill.

I have dealt with the difficulties of the Colour Bill which your Lordships, I am sure, fully understand, and I come now to the Bill which more immediately gave rise to the observations of the Governor-General Dr. Malan, introducing this Bill last year, spoke as follows:—

"This Bill frankly starts from the general supposition that the Indian is an alien."

Dr. Malan went on to say something that Lord Reading does not quote, perhaps because he thought it more discreet not to do so:—

"The method which the Bill will propose will be the application of pressure.... To a certain extent we go on the path which has been trodden before by my friends opposite but this Bill does not rest there; it goes a good deal further."

That is to say, that as the present inducements of offered passages and bonuses are not sufficient to uproot the population of Indians settled in Natal, as they could not possibly be expected to uproot them, pressure has been exercised. Their existing rights and amenities, which they have acquired under the ordinary laws of the land and under the guarantee of His Majesty's Government, are to be very much diminished in South Africa, and life there will become intolerable to a very large number of Indians.

That is more than pressure, it is oppression. It is not to be wondered at, when Indians in India see their relations exposed to this oppression, that they become restive and ask: What is the use of our belonging to an Empire which guarantees to protect us if, again and again, the promises that have been made in the name of that Empire to our kinsmen are not to be maintained, and those kinsmen are to be subjected to oppression to induce them to relinquish the privileges that they have acquired?

PRESSURE ON INDIANS.

The pressure on Indians is to be exercised in several ways: First of all, by restricting, in townships, the right to acquire or lease real property, or to be licensed to trade, to defined areas. Urban authorities are to advise as to the setting up of those areas. The power to grant a renewal of a trading licence anywhere is also discretionary, and this discretion is meant to be used. The question of granting trade licences already created in times past produced a considerable storm between India and Africa, and on the last occasion, in 1908, when power was definitely taken to withdraw licences to Indians then, trading the legislation was not allowed at that time by His Majesty, and it did not come into operation on the ground—the ground on which we are arguing this case—that vested and guaranteed interests were being interfered with.

Secondly pressure is exercised by taking away the right of buying or leasing land anywhere in South Africa except in such areas in Natal only as may be allowed within thirty miles of the coast. Thirdly, it increases from £30 to the crushing sum of 100 the bail which may be demanded from a returning domiciled Indian pending the hearing of evidence as to his right to return. An Indian may go to India from Natal and is allowed to come back on producing evidence that he has been domiciled, but the mere certificate is not considered sufficient evidence of that domiciled. The presumption is, I suppose that it may be forged. Therefore he is treated at once as a prohibited emigrant and subjected to a bail which has hitherto been £30, but which is now, without any reason so far as I have been able to find out, raised to the enormous and crushing sum of £100. This is to be imposed on him before he can be allowed to produce the definite evidence required that he is the emigrant he purports to be. That is a piece of oppression.

In the fourth place it includes in the Transvaal, for the purposes of this Act only the districts of Utrecht and Vryheid, in order to enable Indians to be expelled from those mining districts by the operation of the Transvaal law. In order to restrict the freedom of Indians in Natal, and simply for the purpose of this particular Bill, these districts are nominally put back into the Transvaal area in order that Indians working there may be deprived of their employment and driven out. This is what Dr. Malan mildly describes as "pressure." In the fifth place it encroaches upon, or opens the door to infringements of existing rights of domicile. The purpose is to reduce the numbers and this Bill restricts the importation of wives and children of domiciled Indians and curtails existing rights for registration of employment in the Transvaal. I have stated that Lord Reading's opinion, and certainly the opinion of any one connected with the Indian Office, is that these oppressive enactments are a distinct infraction of the rights of Indians which His Majesty's Government are bound in honour to maintain and safeguard.

The rights of Indians in South Africa have formed the subject of a series of pronouncements in this House as impressive as anything in recent political history. We have had the most emphatic pronouncements in this sense from the Marquess of Lansdowne, the Earl of Selborne, Lord George Hamilton, Mr. Joseph Chamberlain, Lord Amptill, the Marquess Curzon of Kedleston, the Earl of Morley and Viscount Milner, and many more, all of whom have laid down the principle that any kind of differentiation against any one of His Majesty's subjects on the ground of colour or race is contrary to the fundamental principle of the whole British association of nations. Among the many eloquent passages which I could read to your Lordships I should like to pick out two. One is a statement by Mr. Joseph Chamberlain in 1897 and the other a statement made by the Marquess Curzon of Kedleston, who so recently has been taken away from the service of this House.

Mr. Joseph Chamberlain, speaking at the Colonial Conference in June, 1897, said:

"We ask you also to bear in mind the traditions of the Empire, which makes no distinction in favour of or against race or colour; and to exclude, by reason of their colour or by reason of their race, all Her Majesty's Indian subjects, or even all Asiatics, would be an act so offensive to these people that it would be most painful, I am quite certain, to Her Majesty to have to sanction it....."

And I am sure it would be equally painful for His Majesty to sanction it—

"The United Kingdom owns as its brightest and greatest Dependency that enormous Empire of India, with 300,000,000 of subjects, who are as loyal to the Crown as you are

yourselves, and among them there are hundreds and thousands of men who are every whit as civilised as we are ourselves, who are, if that is anything, better born, in the sense that they have older traditions and older families, who are men of wealth, men of cultivation, men of distinguished valour, men who have brought whole armies and placed them at the service of the Queen, and have in times of great difficulty and troubles....saved the Empire by their loyalty. I say you who have seen all this, cannot be willing to put upon those men a slight which I think is absolutely unnecessary for your purpose, and which would be calculated to provoke ill-feeling, discontent, irritation and would be most unpalatable to the feelings, not only of Her Majesty the Queen but of all her people."

Then the late Lord Curzon, speaking in 1908, some ten years later said:—

"In the first place, as regards South Africa itself the Indian coolie, or, at any rate the educated man who is behind the Indian coolie, and who has conducted this agitation sees that the coolie or the artizan is invited and even encouraged by our Government to emigrate from India. We send him to a Colony which he enriches by his labour, and then society there appears to turn round upon him as if he were a pariah dog. He is penalised there not for his vices, but for his virtues. It is because he is a sober, industrious, frugal and saving man that he is such a formidable economic danger in the situation. And then the Indian remembers that, at any rate in a large number of cases, he has fought for the British Empire in South Africa, and that it was largely owing to his efforts that, Natal was saved....Now, if I may follow the Indian on to a wider field of argument, he claims the full rights of citizenship of the British Empire. I do not think it is for us to blame him for that. We have taught it him. We have inspired him with these ideas. It is the result of our speeches, our writings, our text-books which he studies in India, our principles of administration and of education.

"Feeling has been growing up in India in recent years, and it arises from the value which has been attached by the educated Indian to the principles of freedom and equality which he has been taught to regard as the birth right of the British citizen. That is a very valuable, and in my judgment, a very sacred feeling. I do not think we ought to say anything or do anything to depreciate or to deride it in the smallest degree; because it is after all, the only basis upon which you will expect the loyalty of an Asiatic population to an alien rule to be permanently developed or maintained. So I hope that the recent proceedings which have culminated in a victory on the whole for our Indian fellow subjects, which I think they have deserved by their dignity and their patient may read a lesson, not, perhaps, altogether unneeded, both to the Government of the Colony and to the Government which sits upon that Bench—a lesson to the Government of the Colony that it cannot afford to treat without the utmost consideration the rights of these immigrants, its British fellow subjects, in any part of the Empire: a lesson to His Majesty's Government that they owe a duty just as great to the dusky millions of India as they owe to the white people of their own race in any Colony of the British Crown."

It is almost to a day two years since I first addressed your Lordships in this House. That was on February 26 1924, and on that occasion it was my duty to discuss the very severe outburst of disloyalty and distrust which was then manifesting itself in India the great hostility publicly proclaimed by the leaders of the Swaraj Party to the idea of continual British guidance and the profound distrust which they expressed with regard to the good faith of His Majesty's Government in their dealings with India, suggesting that the whole of the Montagu-Chelmsford Constitution was solely intended to continue the exploitation and subjugation of the Indian race to British Capitalism. I examined before your Lordships' House what were the causes of that particular outburst of distrust and hostility. One of the principal causes I found to be, as I am quite sure my noble and learned friend the Secretary of State for India knows that it was, the decision that had been taken by His Majesty's Government with regard to the rights of Indians in Kenya.

That unhappy decision with regard to the claims of Indian to equal rights in Kenya had produced over the whole of India, and especially in Western India, an intense feeling of distrust and hostility and it alienated from the support of the Government some of the best and most experienced Indian statesmen who had hitherto most loyally and helpfully co-operated with the Indian Government. This was a very great blow to the stability of our connection with India and, unless the present situation is carefully handled, here can

be no question whatever that such a blow as will be delivered by the ratification of the Colour Bar Bill and the Areas Regulation Bill will be equally serious in India.

The matter is still undermined. With regard to the actual extent of the grievances that are pleaded by the Indians as falling upon them through this legislation, so far as the Colour Bar Bill is concerned, they are clear and obvious and they need no discussion or examination. So far, however, as the Areas Regulation Bill is concerned, it would be difficult to attempt to weigh the real amount of hardship and oppression which may be inflicted upon any domiciled Indian or to decide what is the strength of the case of white residents in Natal for demanding this legislation. The strength of the case of white residents for demanding this legislation on its own merits is at best very disputable; it has been argued very ably by representatives of the India Office from time to time as being exaggerated, and it can, no doubt, be so argued again. As far the Colour Bar Bill, as I have said, it is perfectly straightforward in its purpose of excluding all Indians from skilled labour.

With regard to the estimation of the strength of the case, I must say that I regard with great satisfaction the fact that we have in the present Secretary of State for India a man of the highest judicial attainments. He is a man who, on behalf of the Indian Government and on behalf of the Indian population, whose trustee he is in a very special degree, being himself part of the Government of India, is very well able—much better able than I can possibly attempt to suggest—to judge what is really the gravamen and the substance of this claim of right on the part of the Indians whose interests he represents. With regard, therefore, to that formulation of the case, the interests of Indians are in the best possible hands when they are in the hands of the noble and learned Earl, the Secretary of State, and the noble and learned Earl, Lord Reading, who is Governor-General of India. I think that Indians may be confident that the substance of their case will be thoroughly appreciated and that it will be thoroughly presented in any discussions that may occur upon it.

But I want to ask His Majesty's Government what assurance they can give us with regard to the impending situation. I think that it is nearly time that we should come to some kind of finality with regard to the principles upon which our position rests. Again and again noble Lords in this House, and I myself quite recently, have discussed the rights of Indians in Kenya, for instance, and the most rev. Primate and others have again and again put forward, not as a sentimental theory but as the real active principle and force which is the only thing that makes our Empire strong, the fact that we have laid down these principles of equality, not as a mere formality but as definite statements of truth and of force, because the fundamental similarity between ourselves and the rest of the human race is that we do have a common inheritance in these notions of justice and of equity and of the right of human beings to develop their faculties according to their education.

This right is perhaps one of the special things which Christianity has added to the theory of Imperialism, and it is not merely because there are principles which the Liberal Party or the Conservative Party or any other Party has stood for—and they always have stood for them—but because they are facts in the administration of the world which we cannot ignore that, if you embark upon a policy of breaking down these principles of equality between colours or the rights of men to use their faculties, you are going to destroy the White Empire in South Africa and you are going to destroy the connection between White Imperialism and Asia which is based upon this very force and resolution of the human spirit.

I think it is time, therefore, that we came to some final stop and understanding. Are we going to have in our legislation, are we going to stand upon, this principle of colour equality or are we not? The principle has again and again been declared on behalf of His Majesty and his predecessors as a bedrock of our Empire, and I want His Majesty's Government seriously to consider whether the time has not come to take up the decision that nowhere in our Empire will His Majesty's Government be advised to allow any legislation which definitely and outspokenly—as does this Colour Bar Bill—infringes upon that principle. I think the time has come when we should have a rest from this persecution. Similarly, with regard to the rights of Indians in South Africa, I should like, if it were possible, to take this opportunity now to come to some final and definite settlement.

About ten or twelve years ago we thought that we had come to some kind of definite settlement with regard to the rights of Indians in Natal. An agreement was made between General Smuts and Mr. Gandhi with regard to the rights which should be respected. That

agreement is now being set aside. Nobody can complain of one Government setting aside the engagements of its predecessor which has become a common form in this country and is part of the constitutional right of the electorate, but where you have the position of a population for whose welfare you are responsible, a population under your own Government, as the Indians are, and under a Government responsible to this House and responsible through the Secretary of State to Parliament—where you have a population for whose rights you are responsible, then you are bound to take up on their behalf that position which you would take up if their rights were infringed by any foreign Dominion; only this not being the case of a foreign Dominion, we cannot go before the League of Nations.

I say that the time has come with regard to these Indians when there should be some finality, and I trust that the noble and learned Earl will be able to give us some hope, not only that this particular fret on the rights of Indians shall be stayed, but that there shall be some guarantee of those rights in the future. My Motion is for Papers. I do not know whether the noble and learned Earl is prepared to lay any of the correspondence that has passed between him and the Governor-General of India on the matter. As the negotiations are not yet complete I think he will very likely say that he is not prepared to do so, but I hope that at the earliest possible date we may have complete presentation of the most important correspondence on the subject. I beg to move.

Lord Lamington: My Lords, may I say one word with reference to the speech which has just been delivered? I am entirely in general sympathy with the noble Lord's remarks about Indians in South Africa, but I think he spoilt his case by suggesting an analogy between the case of the Indians in South Africa and the case of the Indians in Kenya. He spoke of the disgust which was fomented in India with regard to Indians in Kenya, but I think it is generally allowed that that disgust was worked up in India for the purpose of assisting extremist doctrines. There is no analogy at all between the position of the Indians in Kenya and the position of Indians in South Africa generally, and I think it is a great pity that the noble Lord tried to found an argument upon what took place in 1924. With regard to his general statement of the case, I am entirely in sympathy with the noble Lord.

Lord Olivier: May I make a personal explanation? I stated the fact, which the noble Lord opposite will not deny, that enormous feeling was expressed in India on behalf of the Indians in Kenya, and if that was so upon what the noble Lord thinks were inadequate grounds, how much greater and how much more dangerous would be the feeling with regard to what the noble Lord admits to be the just case of Indians in South Africa?

The Secretary of State for India (The Earl of Birkenhead): My Lords, I am left at the conclusion of the speech of the noble Lord in some little doubt as to whether he suggests, in relation either to the Government of India or the Government at home, that upon this difficult matter they have neglected anything in their power to do or done anything which they ought not to have done. I do not, indeed, gather that it was any part of the noble Lord's purpose to make complaint either of the part played in this matter by the Government of India, to which some unusual degree of independent action has been conceded, or of the part played by the Government at home.

Lord Olivier: I had no intention whatever of making any such complaint.

The Earl of Birkenhead: The noble Lord has not, in a very grave situation, been himself very fruitful of suggestion. He did, indeed, use one or two general expressions, the implications of which, if I understood them aright, were somewhat grave, and I would prefer to defer my comments upon that part of the speech of the noble Lord till I am quite sure I understand its meaning more clearly, and until an occasion has arisen when it requires discussion in relation to some proposed action. The noble Lord will, I trust, acquit me of any incivility if I deal with the question he has raised less fully than he might desire, and certainly less fully than he thought it useful to do himself. I take this course deliberately, and I shall explain shortly to your Lordships why I feel this to be an occasion on which the most elementary considerations of common sense suggest reticence.

The position is this. In July last, as the noble Lord has informed the House, a Bill commonly known as the Asiatic Bill, gravely affecting the position of Indians in South Africa was introduced in the Union Assembly, and the Minister who introduced it said frankly that the measure started from the general supposition that the Indian, as a race, was an alien element in the population, and that no solution of the question would be acceptable to South

Africa unless it resulted in a very considerable reduction of the Indian population. This Bill, following as it did other legislation affecting the rights of Indians, caused, as might have been expected, and as the noble Lord has quite truly pointed out, very deep resentment in India. The Government of India, who have been authorised by me to deal direct upon this matter with the Union Government, and who throughout, as the noble Lord has fully recognised, have identified themselves with Indian sentiment in this matter, had previously addressed a strong representation to the Union Government suggesting that a conference to consider the problem as a whole should be held. Renewed suggestions to this effect were made in July but the Union Government was unable to agree to a conference of the nature desired by the Government of India.

Finally, however, after a further exchange of views, the Union Government agreed to permit a deputation from India to visit South Africa, with the object of inquiring into the economic condition and general position of the Indian community, as well as to ascertain their wishes and requirements, so that the Government of India in their negotiations with the Union Government might be in full possession of the facts. This deputation left India in November last, and the Union Government gave an assurance that the fullest opportunity would be given to it to lay the Indian case before the Select Committee that would deal with the Bill after its Second Reading. The Government of India, feeling that if a Second Reading had been given to the Bill already its principle would have been affirmed, regarded this offer as unsatisfactory. They renewed their suggestion that a conference should be held, or, failing that, asked for a further inquiry by the Union Government themselves before the Bill was proceeded with. The Union Government found themselves unable to accept either of these proposals, but agreed that the Select Committee stage should precede the Second Reading of the Bill, and that an opportunity would be given not only to the deputation but also to Indians in South Africa, to lay their case before the Committee. Further—and this is of the first importance—the Select Committee will receive representations not merely on the details of the proposed legislation but on the principle of the Bill itself. This offer the Government of India have accepted, and I believe that at the moment the Select Committee is sitting.

The position thus being that the representatives of the Government of India and the South African Indians themselves having, as the result of the continued representations of the Government of India, been given an opportunity to state the Indian case before the Select Committee, I am confident that Your Lordships will agree that in a situation so delicate, no good, and possibly much harm might result from a full discussion here of the matters referred to by the noble Lord. And I must point out that this was the view taken by the leaders, I think, of all the political Parties in India in similar circumstances in a recent debate, and I cannot pay too high a tribute to their good sense and moderation in agreeing, after being taken into counsel by the Viceroy, to postpone a debate in the Assembly upon this question at this moment. Knowing how deeply Indians feel in this matter one can appreciate their action and the difficulties which rendered that action so hard, but they decided, and wisely decided, that premature discussion at this moment might prejudice their own case. I may perhaps be permitted to say that, moderate in its expression and evidently well intentioned in its object as the speech of the noble Lord was, I think on the whole that he might, for the moment at least, have been well-advised to follow the example set by those whose cause he has so effectively championed in this House.

I have said that I am confident that your Lordships will agree with me that no useful purpose would be served by discussion here while the Select Committee is sitting in South Africa. I am equally confident that your Lordships will share my earnest hope that the renewed examination of a problem which is now proceeding and the presentation of the Indian case by those directly affected will lead to a satisfactory and an enduring settlement. When we know the result of that which is proceeding to-day in South Africa it may or may not be expedient that further discussion should take place in Parliament. We shall not be found unwilling then to afford to the noble Lord and his friends any information that may properly be given. The noble Lord, putting forward his demand in very reasonable language, asks at this stage whether there are any Papers that are available. There are no Papers between my noble friend the Viceroy and myself which at this stage could suitably be produced, but certain correspondence of great importance has taken place between the Union Government and the Government of India which is either about to be published or has just been published in the countries affected, and I will certainly place that full correspondence at the disposal of the noble Lord as soon as the text reaches me from India.

Lord Olivier: Your Lordships will all agree as I do, that the noble Earl has told us all that he could with advantage tell us at the present moment in response to my request for an assurance that the interests and rights of His Majesty's subjects in India would be guaranteed and maintained. The steps which have been taken by the Viceroy, in consultation with the noble Earl have certainly improved the situation in so far as they enabled the whole principle of the Bill to be again discussed, and after we know the result of those steps then, I entirely agree with the noble Earl, will be the time for us, if necessary, to press His Majesty's Government for any further disclosures of their policy or their intentions.

There is one point, which appeared to me to be important, and it has struck me before now in Indian affairs. Where questions of the rights of Indians are concerned we begin at any rate, as we have begun in this case, by putting the negotiations in the hands of the local Government and allowing them to conduct their case with the Dominion Government but I can never get out of my mind the recollection that the Government of India is quite different from the Government of any other Dominion. The Government of India is part of the British Government, and we have a Secretary of State responsible for what is done. In consequence we are entitled to a good deal more information, we are entitled to follow with a good deal more sympathy and apprehension what goes on with regard to the rights of that Dominion than we should be with regard to any discussion between any two other Dominions. I wanted to mention that because, when the Government of India have done their best in correspondence with the Government of South Africa, there may still remain something for His Majesty's Government to do, through the person of the Secretary of State in Council, who is responsible. I beg leave to withdraw the Motion.

Motion, by leave, withdrawn.