As early as 1922, in the process of working out new arrangements for the emigration of Indians to Malaya, under Section 10 of the Indian Emigration Act of that year, the Indian Government brought to the attention of the Straits Government a number of issues among which was the question of Indian representation in the Straits Legislative Council, a subject which had been raised, from time to time, by the Indian Press in both India and Malaya. On this point, the reply of the Straits Government was:

There are at present no Indians on the Legislative Council, but the whole question of the constitution of the Council both as regards representation and extension of membership is already under consideration, and in this connexion the question of Indian representation will also receive consideration. At present Unofficial Members are all appointed by His Majesty the King on the recommendation of the Governor but in two cases, the Chambers of Commerce (Singapore and Penang) submit nominees.

Several months later, the Indian Government enquired whether Indians permanently domiciled in Malaya "have, or will have, the same rights and opportunities of entering Government service and of

1. CO. 273/517, F.M. Baddeley (Deputy of the O.A.G.) to W. Churchill, 11 Sept. 1922; end. 2, Sec. to Govt, of India to Col. Sec, SJS., 3 July 1922; CO. 717/32, Sir George Maxwell to CO., 26 Sept. 1923.

2. CO. 273/517, Baddeley to Churchill, 11 Sept. 1922; end 3, Col. Sec., S.S. to Sec. to Govt, of India, Dept. of Revenue and Agriculture (Emigration), 29 July 1922.
rising to the higher ranks as are enjoyed by Malayans [Malays]."\(^3\)

In this case, the reply of the local Government was not favourable;

As regards the Colony of the Straits Settlements, neither Malays nor Indians are eligible for entering the competitive examinations for the Malayan Civil Service, which is confined to persons of pure European descent on both sides and from which the higher administrative posts are filled.

As regards the Federated Malay States, the position is the same with regard to the regular competitive examinations but with the approval and assent of Their Highnesses the Rulers of the Federated Malay States a scheme known as "The Malay Officers' Scheme" is in operation under which Malays who have been educated at the "Malay College, Kuala Kangsar" are eligible every year after a competitive examination for "probationerships." Probationers under this scheme become eligible for promotion to appointments as Magistrates and Assistant District Officers and later for promotion into the ranks of the "Malayan Civil Service." This privilege has been conferred solely upon the Malays of the Federated Malay States because the Policy of British protection in the Malay States is to assist Their Highnesses in the administration of their countries. It has not been extended to persons of any other nationality, (whether European or Asiatic) permanently domiciled in Malaya, and in view of the policy described above, it would not be possible so to extend it.\(^4\)

The question of Indian representation in the Straits Legislative Council, however, was quickly settled. In early 1923, P.K. Nambyar\(^5\) was appointed to the Council.

No sooner was the subject of Indian representation in the Straits Legislature settled than the Indian Government raised the question of Indian representation in the Federal Legislative Council. Having examined certain papers regarding the constitution of the Council, received from the Federated Malay States Government, the Indian Government wrote:

The Government of India observe that provision exists in the Treaty of Federation, 1895, as subsequently amended, for the nomination to the Federal Council of 4 un-official members by the High Commissioner, Federated Malay States, and that no rule has been laid down prescribing the nationality of these members. The Census returns for 1921 show that Indians are numerically one of the three leading communities in the States. I am therefore to suggest that the Indian community have some grounds for hoping that they will be accorded representation on the Federal Council and to enquire whether the High Commissioner has any intention of nominating an Indian to the Council in the near future.\(^6\)

The Federal Council had been reconstituted in January 1923 as a result of which two additional members — a Malay and a Chinese — were appointed.\(^7\) Since no Indian was appointed, Indians in various states held public meetings to discuss the issue. Delegates were elected to meet in Kuala Lumpur on 15th April 1923 and they unanimously passed a resolution:

3. CO. 273/521, Sir Lawrence Guillemard to Duke of Devonshire, 18 Mar. 1923; end. 1, Deputy Sec. to Govt, of India to CoL Sec, S.S., 30 Jan. 1923.

4. Ibid., encl 2, Col. Sec, S.S. to Govt, of India, (?) 1923.

5. He was already a member of the Municipal Council of Georgetown, Penang at that time. Before his appointment to the Straits Legislative Council, he was appointed a member of the Indian Immigration Committee on 1st Aug. 1922. Nambyar was an estate owner and a lawyer. He was described by E.W.F. Gilman, the Controller of Labour, S.S. and F.M.S., as one "who has always taken a sympathetic interest in his poorer countrymen." (CO. 273/521, James to Duke of Devonshire, 16 Feb. 1923; end. C, Col. Sec, S.S. to Sec. to Govt, of India, 16 Oct 1923 with ends.).

6. CO. 273/524, L.O. to CO. 30 May 1923; encl. Deputy Sec to Govt, of India to Govt., F.M.S., 3 May 1923.

7. With the reform of the Council, the composition of the body was as follows: 12 officials — the High Commissioner, the Chief Secretary, the four rulers, the four Residents, the Legal Adviser and the Financial Adviser; 8 unofficials — five Europeans, 2 Chinese and one Malay.
This meeting of the representatives of the Indians residing in the Federated Malay States resolve that representations be made to His Excellency the High Commissioner for the Federated Malay States with a view to secure representation for the Indians in the Federated Malay States on the Federal Council.8

A memorial was sent to the High Commissioner, Sir Lawrence Guillemard. It began by referring to a statement made by the High Commissioner when announcing the reconstitution of the Council:

Your Excellency, after announcing that the strength of the Federal Council would be increased by the welcome addition of a Chinese member and a Malay member, said, that, having regard to the unique constitution of the Federation and its youth, it was not desirable to alter it until it was certain beyond all reasonable doubt that the change was in the true interests of the Malays. We venture to submit that the presence of the Indians in the Federated Malay States has always been in the best interests of the Malays and their representation on the Federal Council while adding to their usefulness to Malaya and Malays, would at the same time satisfy their lawful aspirations.

The justification for Indian representation was claimed on the following grounds:

(1) Largeness of the Indian population.
(2) Indian capital and trade.
(3) Indian labour.
(4) Status and rights of Indians domiciled in the Federated Malay States.
(5) Status and rights of Indians in the British Empire.

The census of 1921 showed that in the Federated Malay States, there were 510,821 Malays, 494,548 Chinese and 305,219 Indians. According to the memorial, the figure for the Malay population was "inclusive of alien Malays" and that in effect "the number of the native Malay population will be about equal to that of Indian." On the subject of Indian capital and trade, the memorialists said:

After careful enquiries and study we have found that the Indian investments in property and Indian capital in circulation in various trades and enterprises in the Federated Malay States are not less than two hundred million dollars. Many millions of this sum are used in the banking business carried on by Indian bankers known here as Chetties, who, unlike the banks whose doors are only open to the rich and the privileged few, afford financial assistance for the business of the poor, middle and rich classes of the community at large. The Indians have large interests in immovable properties throughout the Federated Malay States, and have interested themselves in all enterprises in the development of these States: while they form the bulk of the military and police, they are well represented in the various learned professions and in the public services.

The need to have protection for Indian Labour was also emphasised:

If Indian labour is a necessity for this country then its proper representation is also a necessity. Labour demands recognition and protection as much as capital. That the authorities are earnest in protecting Indian labour we do not deny, but it is desirable that it should appear to the world that protection is intended to be given and is being given.

One other argument advanced was that the Indians, being subjects of "His Majesty the King-Emperor" had a right to claim political and civic privileges and "to enjoy all rights and privileges whatsoever equally with any other class of British subjects" not only in India and the United Kingdom but also in all British Colonies and Protectorates. This principle, according to

the petition, had been recognised by the Imperial Conference held in 1921. The English people had elected an Indian to represent an English county; a peerage had been conferred on an Indian, Lord Sinha, to enable him to sit in the House of Lords and Indians had been selected to represent India in the Imperial Conference as well as the League of Nations. Therefore, "as long as the European British subjects and alien Chinese are eligible for representation on the Federal Council, the claims of His Majesty's Indian subjects in that direction are incontestable." It was specifically pointed out that if in the Straits Settlements the Indian community could be allowed representation then there was even greater reason for those in the Federated Malay States to be granted this privilege as the Indian population in the Federated States was three times the number of that in the Straits Settlements.

The High Commissioner paid scant attention to the memorial and to the delegations that went to present the case to him. He was more concerned with replying to the letter from the Government of India. He could not accede to the request of the Indian Government because, in his view,

... the Unofficial side of the Federal Council has been constituted not with an eye to the race of a member but to his being in a position to speak for one of the main industries or on behalf of the public generally. This applies to its European and to its Chinese members.9

The Malay Rulers too were said to be opposed to the idea of Indian representation. Moreover, he did not consider that there were "enough Indian capitalists to justify any representation on account of financial interests." But, "if there happened to be at any time an Indian who was markedly suitable to be put on the Council, not as an Indian delegate, but as speaking for important interests, the Government would regard him as eligible."

The Chief Secretary, Sir George Maxwell, then on leave in England was also consulted. He did not fully concur with the High Commissioner. On the point of communal representation, for example, sir George stated:

... I can say without fear of contradiction that it has always been clearly understood that nationality was the test, with the vague (but natural) idea that the member's nationality made him valuable upon the Council in voicing the opinions of his countrymen, and that any suggestion to replace the "Chinese member" by a member of any other nationality or to nominate in the place of one of the European members a member of any other nationality would have been regarded as a breach of faith as to call for most vigorous protest. 10

He did not, however, argue for Indian representation in the Federal Council. His explanation of the circumstances which gave rise to the demand is worthy of attention:

The demand for an "Indian member" on the Federal Council is not new. It has found utterances from time to time in the newspapers both in India and in Malaya, and has died away again. It came to the fore, with some vigour, in connection with the Indian labour immigration question. I think that I am correct in saying that the considered opinions of Their Highnesses the Rulers; of the Malay Chiefs who sit in the State Councils, and of the general public of the Federated Malay States, is that the present demand for an "Indian member" on the Federal Council:

(i) is being used unfairly as a political lever in connection with the Indian labour immigration legislation;

9. Ibid.

(ii) is the demand mainly of the anti-British party in India, and a few self-assertive and quite unimportant Indians in the Federated Malay States;

(iii) is, in no way, justified by the importance of the Indian inhabitants other than the labourers;

(iv) would, in no way, improve the lot of the Indian labourers.

Nevertheless, he was in favour of granting some concession to the Indians by way of appointing "Indian members" to State Councils, a move which the High Commissioner also considered inadvisable. Sir George felt confident that he could persuade the Rulers to accede to this concession. He realised that this would not satisfy the local Indians, but it might appease the Government of India. Because of the different views held by the High Commissioner and the Chief Secretary, the matter was left unresolved for sometime.

In India, the clamour for a better deal for Malayan Indians no doubt continued. Even the Indian Congress was paying some attention to Malaya. The Political Intelligence Bureau in Singapore noted in June 1926:

According to the Bombay Chronicle, a constitution for the Foreign Department of the Indian National Congress has been prepared in which a programme of work for 1926 is laid down.

A reference book will be prepared giving useful information on the subject of Indians overseas, whilst Indian Associations in British Colonies will be enjoined to submit reports on the "educational condition of Indian Settlers" to the Indian National Congress before November 1926.

An enquiry will also be conducted into the condition of returned immigrants and efforts made to help the cause of Indians overseas by means of propaganda in the Press and from the platform.

Hence, by 1927, the subject of Indian representation was brought to the forefront again; this time, the Viceroy of India, Lord Irwin, took a personal interest in the matter. On 21st Sept. 1927, he wrote to Sir Hugh Clifford, Guillemard's successor:

My principal purpose now is to refer to another matter which has been the subject of official correspondence between our Governments from time to time since 1923. This is the question of the appointment of an Indian Member to your Federal Council. A good deal has been said about this at various times, and your Government has been very sympathetic to our requests. But so far nothing has materialised and the question remains where it was. I know that your Government have nominated the Controller of Labour to protect the interests of Labour, to which a considerable proportion of the Indian population of Malaya belongs, and from what I have seen of Gilman, I should say he was a very sympathetic guardian of labour interests. But this does not, of course, satisfy Indian sentiment either in this country or in Malaya. The fact that Indians sit in the Legislative Councils of practically every Crown Colony and Protectorate, e.g. Kenya, Uganda, Tanganyika, Fiji and Ceylon, naturally draws attention to the absence of an Indian from your Federal Council and causes disappointment. I can well believe that you have difficulties on your side, and I hope that you will not feel that I am in danger of interfering with matters that lie outside my

11. My italics.

12. The delegation which met the High Commissioner had, in fact, informed him that "representation on State Councils would be unacceptable as a means of satisfying their aspirations." To Sir George Maxwell, this was not important because members of the deputation, he believed, were "influenced by two facts which will not appeal to the Government, (i) that the members of the Federal Council are styled 'Honourable' and (ii) that their speeches are reported."

13. "When High Commr. & Chief Secretary differ as to what the real wishes of the Rulers are, we are rather helpless ...." (See CO. 717/32), minutes on Maxwell to CO., 26 Sept 1923).

14. CO. 273/534, H. Marriott (Gov.'s Deputy) to L.C.M.S. Amery, 13 Aug. 1926; encl, MBW No. 40 June 1926, item 270.
sphere .... At the same time it is a real
difficulty to us here and I would be
personally very grateful to you if you could
manage to help us over it.15 (My italics).

Clifford, who had been Governor in
Ceylon prior to his arrival in Malaya
to head the administration, had
felt, even before the receipt of Lord
Irwin's letter, that the demand for
representation "was, in the
circumstances of to-day, not only
inevitable but fully justified." He
elaborated:

It has to be recognised , . . that the appoint-
ment of an Indian Member to the Federal
Council is desirable, not for practical, but for
political reasons — that it will satisfy a
demand, but will not materially affect the
efficiency of the Council or add in any
sensible degree to its present ability to watch
over and safeguard Indian or Ceylonese
interests. On the other hand, I regard it as a
matter of the utmost importance that an
appointment of the sort should be made with
as little delay as possible, and above all, that
it should be a spontaneous act of the Govern-
ment for the Federated Malay States. If
action be deferred until the existing whisper
of agitation — of which the educated
Ceylonese, rather than the local Indians, are
the most vocal protagonists — be suffered to
swell into a roar, the highly undesirable
notion, that loud and persistent agitation can
always in the end secure what it demands, is
not unlikely to take root in the minds of the
politically inclined sections of the local
extraneous population. That is a contingency
which experience in Ceylon, for instance, has
taught us, if possible, to avoid. 16 (My italics).

Sir Hugh Clifford was even
prepared to nominate an Indian and
a Ceylonese representative to the
Council.17 But, possibly after
consulation with the Acting Chief
Secretary and the Controller of
Labour, changed his mind and
asked to be allowed to nominate
only an Indian member, remarking,
at the same time, that the
Ceylonese community "should be
taught to look upon him as their
spokesman."18 The name finally
submitted for approval by the
Colonial Office was Subbiah Naidu
Veerasamy, an Indian lawyer with a
practice in Kuala Lumpur,
described as "a man of sufficient
education and of good character,
who is recommended for the
purpose by the Controller of Indian
Labour."19 The nomination was
accepted by the Colonial Office and
in early 1928 Veerasamy became
the first Indian to be made a
member of the Federal Legislative
Council. In 1929, Louis Thivy was
appointed to the Perak Council.
But it was not until 1932 that the
Negeri Sembilan and Selangor State
Councils had Indian members — Dr.
S.R. Krishnan in Negeri Sembilan
and S.N. Veerasamy again in
Selangor.

15. See CO. 717/59, Clifford to Amery, 30
Dec 1927.

16. Sir Samuel Wilson, one of the senior
officials of the Colonial Office, was not
particularly convinced by Clifford's
argument. He commented: "I am getting a
little tired of the argument that graceful
voluntary concession is better that
concession ultimately granted as a result
of agitation! I have heard this before, and I
still think that too much weight can be
attached to it, especially when dealing
with large coloured communities of which
only a small proportion take any interest
in politics." (See minute of 2 Nov. 1927
on ibid).

17. CO. 717/58, Tel. Clifford to Amery, 29
Oct 1927.

18. CO. 717/58, Tel. Clifford to Amery, 6
Nov. 1927.

19. CO. 717/59, Clifford to Amery, 30 Dec
1927.

20. See S. Arasaratnam, op. cit., p. 86; George
Netto, Indians in Malaya, Singapore, 1961,
p. 60.