

Agency and Resilience: South Asian Migration to Canada, 1900-1967

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This paper explores the history of South Asian migration to Canada and their consequent interaction with Canadian migration control prior to the 1967 Point System. While it cannot be denied that the 1967 regulations did accelerate South Asian legal migration to the country—as it did for many other racialized groups, this common narrative gives too much control and credit to the state while erasing the group’s role and agency. This paper argues that South Asian immigrants were not passive actors but active agents in their migration to Canada. Canadian immigration policies did not simply dictate their arrival, survival or success within the country. Rather, this occurred overwhelmingly through their own actions as they maneuvered the immigration system to their advantage.

South Asians actively engaged and voiced their concerns in immigration matters of concern by sending delegations to Ottawa and Delhi, holding public meetings with key interest groups, and publishing their opinions in newspapers. They educated and mobilized their community against exclusionary state migration control strategies, such as the 1908 British Honduras Proposal and the 1914 *Komagata Maru* expulsion. This is closely intertwined with South Asians’ recognition of their legal rights as British subjects and subsequent legal mobilization and victory against deportation cases like *Rex vs Thirty-nine Hindus* in 1913, the illegal sons of 1939, and individual cases throughout the century. At the same time, South Asians actively and unlawfully entered the country through the U.S.; as tourists; with forged documents and fake names; and on commercial ships, the *Panama Maru* and the *Komagata Maru*, during a time they were essentially barred from Canada. South Asians exercised agency throughout their migration process using legal and governmental channels to fight and advocate for their rights, while simultaneously defying exclusionary immigration laws and strategies by entering the state. I hope this paper provides much-needed context on the history of South Asians in Canada and their agency in shaping one of the most desired destinations for members of their community.

This paper progresses chronologically and primarily focuses on South Asian migration to British Columbia (BC) as it received the most migrants from South Asia prior to the 1970s. South Asians are an ethnolinguistic grouping of the heterogeneous populations of South Asia, which consists of India, Pakistan, Sri Lanka, Bangladesh, and Nepal. This paper largely focuses on those migrants that arrived from South Asia to Canada under the focused period, making it hard to specify their nationalities in relation to nation-states, as many individuals were mobile or from provinces in South Asia that are split between states today. Migration in the first half of the 20th

century largely came from the Punjab, which today is split between the nation-states of India and Pakistan but was a religiously heterogeneous region prior to Partition in 1947. This religious heterogeneity extended to BC, where the population was majority Sikh, but a sizable Muslim and smaller Hindu population existed as well, much like in Punjab.

Methodology

My paper uses archival newspapers and oral stories to uncover acts of South Asian agency present within the immigration process. Oral stories largely come from BC, through the archives of the *Khalsa Division of Abbotsford, Indo-Canadian Oral History Collection* from Simon Fraser University, and the *South Asian Canadian Digital Archive (SACDA)* from the University of the Fraser Valley. They primarily recount events and stories passed down from elders, covering the years from 1906 to 1970. I use government correspondence from the Henry Herbert (H.H.) Steven's Fonds held by the City of Vancouver Archives to analyze government perceptions and objectives. Newspapers are taken from provincial publications like the *Vancouver Sun* and *Vancouver Daily Province* and South Asian newspapers such as *The Hindustanee*. Census and population data is taken from Census Canada; "A Review of the Historical and Sociological Literature on East Indians in Canada" by Norman Buchignani; and Brij Lal's "East Indians in British Columbia, 1904-1914: An Historical Study in Growth and Integration".

In addition to my primary sources, I draw on a wide range of secondary sources that include broad Canadian immigration scholarship, interrelated global and continental scholarship, diasporic literature, and community-based research. I use *Making of the Mosaic* by Ninette Kelley and Michael J Trebilcock to assess Canadian immigration policies and how they broadly impacted migration patterns. Additionally, I explore *International Barriers* by Ramdeo Sampat Mehta, *Melancholy Order* by Adam McKeown and Joan M Jensen's *Passage from India: Asian Indian immigrants in North America* to gain insight on South Asian migrants' connections to the United States (U.S.) and global migration movements.

I integrate this with South Asian diasporic scholarship to examine how immigration policies and Canadian society impacted South Asians more specifically, which includes *South Asians in the Canadian Mosaic* by Rabindra Nath Kanungo; *The East Indians in Canada* by Hugh Johnson; *Fractured Identity: The Indian Diaspora in Canada* by Sushma Varma; and Margaret Walton-Roberts "Transnational Geographies: Indian Immigration to Canada". I supplement this

with scholarship specific to a group like Vijay Agnew's *Racialized Migrant Women in Canada*; or an event like *Undesirables: White Canada and the Komagata Maru* by Ali Kazimi and *Across Oceans of Law: The Komagata Maru and Jurisdiction in the Time of Empire* by Renisa Mawani. This is heavily intertwined with literature on Sikh migrants like "Reconstructing the Sikh Diaspora" by Harpreet Kaur; "My Dinner in Calgary: Sikh Diaspora in the Making" by Nikky-Guninder Kaur Singh; *The Sikhs in Canada* by Gurcharn S. Basran, and B. Singh Bolaria; and "Passage from India: Bagga Singh" by Tracey Lindalee. Such work builds on interviews, and personal and family stories about early settlement experiences and provides the community a much-needed voice in the context of academic work.

Early Migration

Punjabi migration to Canada originated from the dire conditions within Punjab under colonial rule. Such conditions deteriorated daily for ordinary citizens as food shortages grew. The poor were especially susceptible to disease, famines and epidemics which led to unprecedented mortality in the region (Kaur 135). This occurred as a direct result of the unforgiving governance during the British Raj (1857 - 1947). The exportation of food to Britain continued even at times of famine and severe deprivation, as well as the collection of taxes in cash on its due date (Kazimi 38). These policies had a crippling impact. Moreover, crop productivity was disregarded, and many were left starving which furthered mortality rates, in addition to economic desperation, as high taxes made farmers take loans from money lenders who charged exorbitant interest charges (Kaur 134). The more well-off joined the army, police force or sent someone from the family abroad to earn higher wages as those were the primary ways one could maintain ownership of their land (Kazimi 38). Some migrants also claimed that there was just not enough land to settle on and cultivate anymore ("Indo-Canadian Interview 21"). Famine, lack of land and economic opportunities drove farmers out of colonial Punjab as men moved to Hong Kong, Singapore and other British colonies as military and police personnel who would then later move again as "twice migrants" to Canada (Kaur 131). They would be joined by other non-military personnel to work for higher wages to remit to their families in South Asia, as was commonly done.

Canada was particularly attractive to early South Asian migrants because of the experiences of past military officers who had traveled to the country in 1898, en route to Queen Victoria's Diamond Jubilee and in 1903, to the coronation of Edward VII in England (Kaur Singh

92). They were received well on both occurrences with respectful curiosity and imperial pride as the *Vancouver Daily Province* wrote that the “Turbaned Men Excite Interest: Awe-inspiring Men from India Held the Crowds” (Tracey 220). The army men returned with stories of a welcoming and wealthy Canada waiting to be settled by British subjects and vastly different from impoverished Punjab (Varma 6).

Some of these very men would return to BC the year after along with other veterans of the British Indian army and men who served in the Malay states, Hong Kong or Singapore as policemen and spoke English (Jensen 59). As these men had seen other areas of the world, they were aware that they could do better abroad. Dissatisfied with the conditions in Punjab, they chose to settle in BC rather than continue living an army life under colonial masters (Varma 69). They preferred to migrate to a country in the British Empire as they had “bore the brunt” of England’s wars in the Far East and expected to be welcomed wherever the British flag was flying, as a result of their service (Kazimi 41).

It was common for migrants in this period to claim that “Canada was open, you could come freely”, which they reiterated back home (“Indo-Canadian Interview 48”). Technically speaking, this was true as Indian immigrants possessed the same status as other British subjects in Canada and were entitled to the same rights as a result. South Asian migrants were also attracted to Canada from advertisements by steamship companies and the ongoing recruitment to work on the Canadian Pacific Railroad (CPR) in BC. The CPR had started promoting migration from India in fear that Japanese immigration would be soon restricted (McKeown 202). It was common for BC’s manufacturing companies at the time to hire Asian workers as cheap labour when workers of European descent increasingly unionized (McKeown 69). Most migrants worked in unskilled or low-skilled jobs on farms or in the sawmill industry to help build the Canadian Pacific Railroad (Varma 25). Men from the army tended to follow their officers and units to new colonies which created a pattern of Sikhs joining their colleagues in Canada through freighters as their tenure expired, especially from areas that had direct travel to Canada, like Hong Kong (Kaur 251). This led to a boom in South Asian migration, as the number of arrivals rose from 45 in 1904 to at least 2,263 in 1907 (Lal 15).

Riots and Restrictions

Unfortunately, South Asians arrived in BC during a time of high anti-oriental sentiments towards Japanese and Chinese migrants (Kanungo 14). This situation worsened as a result of race riots in the town of Bellingham, Washington, and more broadly in Oregon and California in the U.S. which pushed roughly seven hundred South Asian men to flee to Canada in September 1907 (Jensen 68). The migrants' sudden and large arrival escalated the common fear that the Asian population would eventually outgrow and overpower white citizens. South Asians tarnished the dream of a "White Canada" and were specifically deemed unassimilable as they were "physically unfit for the culture and handicapped by their religious customs and practices [largely referring to the turban]" (Jensen 71). Such perceptions and the increasing number of South Asians in Vancouver, triggered an organized riot, attracting thousands against all Asians and their property, including South Asians. In an attempt to quell the unrest in the high migrant-receiving city, the Canadian government reinforced its efforts to exclude Asian immigrants from Canada.

However, as South Asians were British subjects, the federal government had to consider the concerns of white Canadians from BC simultaneously with the entire British Empire and London's interests in colonial India (Kanungo 15). Canada could not explicitly discriminate against fellow British subjects which would create immense consequences for the legitimacy of the British Raj. Indian nationalists already disseminated propaganda toward Punjabis about the plight of their people. As Punjabis were regarded as a "martial race" and made up the majority of the British Indian army, widely upsetting the group through overt discrimination would have monumental consequences on how Britain maintained power in India.

A Time of Exclusion

Hence, the Canadian government passed laws and orders in council that prohibited South Asian migration without explicitly naming the group. The 1906 Immigration Act granted the government the power to detain or deport anyone believed to have a disease. This led to immigration officers to reject South Asians based on treatable illnesses like hookworm and trachoma ("Hari Singh Manhas"). In 1907, the order-in-council P.C. 1908-1255 required South Asians to possess \$200 upon arrival in settlement funds. This equaled to half their salary for a year and was eight times more than the fee for white migrants, who paid only \$25 (Johnson 7).

In 1908, the most controversial immigration policy against South Asian migrants was passed in the form of the Continuous Journey Regulation. The regulation mandated that

immigrants must come from the country of their birth (changed to their nation in 1910) or citizenship by continuous journey with a ticket purchased from that country before departure (Kanungo 17). It specifically targeted South Asians because in order to make a continuous journey from India, tickets could only be purchased from the CPR. However, the CPR shipping line, as instructed by the Canadian government, stopped selling tickets to South Asians leading to the end of direct voyages between the two (Kanungo 17). Only five South Asians were admitted to Canada from 1910 to 1911, five less than the ten permitted in 1909 and 2,617 less than the year before (Mehta 142). The continuous journey regulation was successful in greatly diminishing the number of South Asians who could enter the country and would remain intact till 1951 (Mehta 179). In addition to such exclusionary laws, the federal government drafted additional ways to exclude South Asians who already entered Canada.

The Power of Mobilization

On September 19, 1908, the Canadian government created a plan to send South Asian migrants to work in British Honduras (present-day Belize). They sent a delegation with two Sikh representatives to convince South Asians to migrate, as they could not forcefully expel them due to imperial politics (Basran and Bolaria 98). However, South Asians were aware that this policy was intended to exclude them and began mobilizing to educate and unite the community. South Asians in Vancouver gathered in the gurdwara on 2nd Avenue and raised its members' awareness of their rights as British subjects and the realities of the policy ("Gurbachan S. Johal"). The Sikh representatives themselves told the community that the deal was no good (Basran and Bolaria 98). Soon, negative ideas about British Honduras spread, such as its bad working conditions, lower pay, yellow fever, mosquitoes and its larger distance from India than Canada (Mehta 147).

Through the first half of the 20th century, it was extremely common for people of all faiths to assemble at gurdwaras which served as the natural place for BC South Asians to organize for their rights. The same year, the gurdwara created the Khalsa Diwan Society, which is now the largest and oldest Sikh organization in North America. The Khalsa Diwan Society was highly involved in advocating for South Asian rights along with aiding community members during hard times (Jensen 9). The gurdwara and the Khalsa Diwan Society members were normally supported by Punjabi intellectuals who had settled in the US or by highly educated and well-travelled South Asians from the eastern Indian coast province of Bengal (Kazimi 55).

During this time, mobilization against the British Honduras plan was spearheaded by Teja Singh, a well-educated lawyer who convinced the delegation that the plan was inadequate, and not needed (Mehta 147). He explained to the government that Sikhs “here are nearly all doing well” and they migrated from India to earn good wages and not necessarily to settle. He also stated in the *Vancouver Daily Province* that “it would be a serious step for the British government if the Hindoos [Indians] here were deported. Such action would not tend to allay unrest in India.” (“Few Are Unemployed” 3). Teja¹ along with other members of the community, were conscious of their imperial rights which they exercised and reminded Canada of when threatened. Moreover, Teja was able to use their unfair treatment as a rallying point to unite Punjabi Sikhs, Hindus, and Muslims with Bengali Brahmins in a manner not even done in caste-divided India (Jensen 124). Through Teja’s persuasion, the leader of the delegation, Colonel Swayne would go on to report that:

There is no reason why these Hindus should not do very good work here. Many mills speak strongly in favour of the better class amongst them, and it is to the Asiatic in Vancouver that the present stage of activity of the mills and allied industries must be chiefly ascribed. The railways want them badly as development is hampered by the grip of Trade Unions (Mehta 146).

By uniting the diverse community, educating them on their rights and reminding the government of their objectives, the South Asian community successfully mobilized against the British Honduras deal for what was best for them and remained in Canada. This initiated the trend of South Asian collectively mobilizing when threatened by state immigration policies, as well the strategy of sharing their perspective in newspapers to allow the community to speak for itself. The downside was that when this proposal failed, the legal avenues for South Asian immigration were still virtually closed.

Nonetheless, South Asian migrants from 1907 to the 1920s still managed to enter the country and settle in various ways. Migrants Husain Rahim, who arrived in Vancouver in 1910, moved as tourists and were therefore not subject to the continuous journey regulation. Rahim claimed he was en route to New York with his final destination as England via Montreal (Kazimi 83). It is reported that he looked like a “westernized” South Asian who spoke perfect English and

¹ I’ve chosen to use first names instead of last names as Singh is the standard last name in the Sikh faith for men, and Kaur for women.

travelled first class, which allowed him to enter based on an officer's discretion (Kazimi 83). Rahim's case signals that appearance, whether intentional or not, could tip the scale in a migrant's favour and might have been an important dimension of their acceptance.

Some migrants also changed their names on their documents to avoid being traced back to their activities in Japan, Hong Kong or India, which might have given away that they were migrating for the purpose of settlement. Rahim was in fact Chagnan Khairaj Varma from Gujarat, who changed his name in Honolulu, making it harder for authorities to trace him to his home in Japan or Gujarat which he fled due to financial troubles (Kazimi 83). Such a tactic would also be used by South Asians deported in the latter half of the 20th century, who also changed their passport names in Honolulu to re-enter the state ("Sadhu Singh Sekhon").

Rahim's return to Vancouver a couple of months after his arrival in Canada, where he incorporated a real estate company and gained a name within the community, alerted his presence to the authorities who detained him (Kazimi 83). The community once again gathered in the gurdwara on 2nd Avenue and managed to raise funds to post his bail and fight his case. During this time, South Asians were paid on average ten cents an hour in the lumber industry, where the majority of them worked ("Sundar Singh Thandi"). They worked on the "back end of the green chain where the longer, heavier lumber was being fed into," whereas their European counterparts "tended to work in the front region, with lighter pieces of lumber" ("Kesar Singh Nagra"). Despite the fact they were paid in cents when the bail and legal fees were in dollars and the tremendous amount of physical and difficult work to earn this money, the South Asian community in BC still managed to financially aid those trapped in immigration problems. This trend continued throughout the first half of the 20th century.

Upon seeking legal aid funded by the community, Rahim's deportation case was ultimately rejected by the courts as the immigration officers failed to follow due process (Kazimi 85). Rahim's case signals not only the significance of how he managed to enter the country in a time when only five South Asians were let in, but stayed and established himself as a businessman, leader of the South Asian chapter of the Socialist Party of Canada and a leader of the gurdwara as Muslim man (Kazimi 85). The agency he showed during his migration allowed him to enter the country, become naturalized later and serve as one of the most infuriating resisters of Canada's restrictive immigration policies for years to come. Nonetheless, while migrants' individual actions

led to their arrival in the state, it would be the collective mobilization and support from the South Asian community in Canada that helped them stay.

Despite individual attempts to enter the country, the overall population of South Asians in Canada decreased as many were denied entry and some left seeking better conditions (Kanungo 28). However, South Asians did not idly sit by as the federal government hoped their population would simply labour and then disappear to make room for South and Eastern Europeans. Leaders of the gurdwara, Bhag Singh and Balwant Singh in 1911 ventured to India to lecture about the continuous journey regulations, its hypocrisy, and the plight it caused (Kazimi 86). They held public meetings with the community, and private meetings with British officials such as the lieutenant governor of Punjab, Sir Michael O'Dwyer, who transferred correspondence on the matter back to the viceroy (Kazimi 88). The same year in Canada, the Khalsa Diwan Society sent a delegation to Ottawa to remind the government of the Sikh's loyalty to the British Crown since 1857, among other things (Kazimi 47). South Asians engaged with and tried to impact immigration policy related to their community. Nonetheless, this did not stop them from actively resisting policies they deemed unjust while still asking the government for change.

Hence, in 1911, Balwant and Bhag tried to bring their families back to Canada with them, contrary to the Immigration Act of 1910. The general perception among white BC Canadians, as stated by the *Vancouver Sun* was that "we must not permit the men of that [Asiatic] race to come in large numbers, and we must not permit their women to come in at all" ("Kesar Singh"). This was to restrict South Asian men from potentially permanently settling down and establishing families in Canada (Agnew 144). However, as Balwant and Bhag deemed it was their right to reside with their family in British territory as British subjects and long residents of Canada, they tried regardless. They were denied tickets from the CPR and petitioned the viceroy of India—to no avail but continued lobbying for their rights in Hong Kong (Kazimi 86). Eventually, they arrived through the *Monteagle*, but their wives and children were detained as soon as they disembarked (Kazimi 87). They once again petitioned the government and gained allies such as the Quakers who pushed the government to allow the families to stay. Permission was finally granted in January 1912 as an "act of grace" without forming a precedent (Jensen 127). Between 1908 and 1912, only six South Asian women entered Canada, presumably the majority in 1912 because of Balwant and Bhag's family's migration (Ralston 33).

Sikh men continued to try to bring their families to Canada. Mohinder Singh recalls how his father, along with other members of the community who migrated to Canada in 1907, sent a delegation of three people to Ottawa to request family reunification rights (“Indo-Canadian Interview 40”). However, Ottawa demanded they go to England instead. In turn, British authorities insisted they return to India (“Indo-Canadian Interview 41”). This did not stop Mohinder Singh’s family along with two others from trying as they embarked on the 18-day trip from Hong Kong to Canada (“Mrs. Pritam Kaur Johal”). The families were prohibited from landing and were deported back to Hong Kong, but then returned to Canada again. After being deported for the second time, they were finally permitted entry on their third attempt (“Indo-Canadian Interview 40”). Mohinder claims they “filed the case and then they got the permission to stay” alluding to another occurrence of using initially illegal methods to enter that were later approved through legal avenues (“Indo-Canadian Interview 40”). In the cases of Balwant, Bhag and the deported families, South Asian migrants defied entry restriction through “illegal” avenues based on their own agency. Simultaneously, they lobbied the government to enact immigration change in their favor through legal means.

Legal Mobilization

The most important legal change South Asians managed to enact in the pre-1967 period occurred as a result of *Rex vs Thirty-nine Hindus* in 1913. On October 12, 1913, the *Panama Maru* reached Victoria, via Hong Kong with thirty-nine South Asians on board (Kanungo 20). They were all detained, and news in the region spread that “the arrival of this party in Victoria is a result of a well-organized and deliberate attempt to evade the [continuous journey] regulation” (“Editorial”). This will lead to an “extended influx of Hindoos” (“Editorial”). The South Asian community, through the Khalsa Diwan Society and led by Husain Rahim, raised funds to legally fight for the South Asians aboard the *Panama Maru’s* right to stay. Rahim launched *The Hindustanee* newspaper in English, where him and others published South Asians opinions on the matter, why the migrants should be able to stay and the need for the community to help them (Mawani 65). This allowed others to know about the issue in-depth and gave South Asians their own platform to voice their ideas and concerns.

The community also hired Vancouver based lawyer J. Edward Bird, to defend the thirty-nine South Asians in court by evoking habeas corpus (Kanungo 20). Bird exposed the errors and

contradictions in the immigration policies passed from 1906 to 1910. Among other technical issues, he stressed that it was not specified in the order-of-council if the migrant was required to be in possession of the \$200 while arriving or simply prove that he did indeed have that much (Kazimi 91). A procedural reading led the judge to rule in favour of Bird, and the thirty-nine men were allowed to land. During urgent immigration events, deportations or wrongful detainments, South Asian intellectuals educated their community on the issues at play while the community raised funds to legally battle the cases in court. Henry Herbert Stevens, a Conservative MP and a staunch opponent of Asian migration, observed South Asians are “extremely fond of litigation, and if given any encouragement are forever in the courts” (Stevens 33). As British subjects, South Asians were aware of the power of the courts. The leaders of the community were also well versed in legal matters; hence they did resort to the legal system when they knew it would help achieve their desired outcome.

The *Komagata Maru*: Community and Legal Mobilization

Beyond court battles, educated South Asians used their expertise to locate loopholes in immigration policies. In 1914, four days before the infamous *Komagata Maru* set sail from Hong Kong to Canada, an order-in-council was passed, prohibiting the entry of unskilled labourers and artisans from 42 ports in BC. This noticeably targeted South Asians who mostly found work in such occupations (Basran and Bolaria 97). Two days before the ship arrived, on May 21st, South Asian activists and leaders discovered that the newly opened Port Alberni was not included in the list of restricted BC ports. They dashed to intercept the ship before it arrived in Vancouver, where it was doomed for detainment (“Indo-Canadian Interview 41”). The operation ultimately failed, and they were unable to reach the ship in time. Nevertheless, South Asians themselves tried to detect fault and loopholes in the Canadian immigration system which would allow them to navigate its laws for their desired outcome. They did not simply wait to confront issues in the legal field, but actively interfered in immigration matters leading up to that point.

The voyage of the *Komagata Maru* displays the various ways the government tried to restrict South Asian agency by prohibiting them from using the multiple strategies that led them to victory before. As the 340 Sikhs, 24 Muslims and 12 Hindus arrived aboard the *Komagata Maru* on May 23, 1914, the Canadian government, through the Vancouver Immigration Agent Malcolm Reid, did everything in their power to make sure South Asians could not access the legal system

(Mawani 121). They feared that the South Asians would once again evoke habeas corpus against wrongful detention or deportation as they had done so in *Rex vs Thirty-nine Hindus* for the *Panama Maru* a year prior (Kanungo 22). If South Asians again won in court, shipping operators would be allowed to bring in tens of thousands of South Asians, which would force the government of Canada to overtly discriminate against them in its laws. This would no doubt deeply disrupt British India and imperial politics as such a ruling would cause unrest and protest against the colonizers in India. Hence, Reid ensured the passengers were left in a space of physical and legal ambiguity by prohibiting them from entering land. Habeas corpus could only be tried if the migrants entered Canadian soil (Kazimi 97). Reid denied the migrants full access to legal counsel, the reason for their detention, and pushed them to the brink of starvation and thirst for two months (Johnson 9). Reid even permitted his security team to hire and arm individuals—with guns loaned from the local militia, to guard the port and intimidate the passengers from landing (Kazimi 102).

The South Asian community in BC and Bird were barred from interacting with the ship's passengers, as the government noticed they were once again witnessing the similar collective mobilization that took place against the 1908 British Honduras Proposal and the 1913 *Panama Maru* detainments (Kazimi 102). South Asians already began mobilizing and created the Shore Committee as a reaction to the *Komagata Maru* predicament. They held public meetings, with the presence of their lawyer Bird, detailing how and why the government was purposely delaying the ship. He stressed to the government that they were all aware of the hidden intent behind their actions and its unlawful nature. Bird went on to state in front of 400 South Asians, 125 Socialist Party Members and handful government officials or spies that “the immigration department is the most autocratic of our institutions and it is managed by law defying anarchist who have told me they do not know if they will abide by the supreme court orders if they let the passengers stay in Canada” (Kazimi 102).

Additionally, South Asians once again published their opinions in *The Hindustanee* and spoke out against the government's actions by stating that it exhibited “acts of high-handedness, illegality and utter unfaithfulness to their own laws” (Rahim 2). They questioned, “is this administration of law... or a farce” as “to seek admission to Canada is in no sense a crime, and yet the Hindus on board the ship are not given an opportunity of seeing their consul, which privilege is not denied the worst of felons or criminals” (Rahim 2).

Such unity was brought to the fore as Reid unwisely announced to the media that the *Komagata Maru* would be recalled in eleven days by the Japanese shipping company. Gurdit Singh owed the shipping company the fee of \$15,000 which he was supposed to make by trading on land (Kanungo 22). Even after accounting for inflation, this amount is extraordinarily high for its time period as well ours, as \$15,000 in 1914 would be equivalent to \$367,000 in 2022.² Nevertheless, upon hearing this news, the Shore Committee organized a public meeting with 500 people assembled once again at the gurdwara. Here, Rahim urged everyone to donate whatever they could (Kazimi 106). Many having come prepared, lined up to give money and \$5,000 were collected with \$60,000 pledged from expected sales of real estate investments (Kazimi 108). The government was adamant this would not be successful. On June 10, Rahim delivered \$11,000 to the Japanese shipping company's office in Vancouver and requested more time for the rest, delivering the outstanding \$4,000, ten days later (Kazimi 113). The Shore Committee, with their modest salaries, managed to raise \$18,000 and gave the remaining \$3,000 as provisions for the ship (Kazimi 113). While the *Komagata Maru*, low on supplies, money and anticipations for legal support would return on July 23, 1914, the mobilization and unification that occurred in the Shore Committee is astonishing. Their ability to assemble and rally to collect the needed funds, actively attempt to access the legal system and confront the government through their community channels, are some of the many ways South Asians exercised agency during the immigration process.

Post-World War I

While South Asians were still under exclusionary laws passed between 1906 and 1910, the end of World War I created a space where South Asians advocated for and gained some flexibility within the immigration system. South Asians had requested the right to bring their wives and especially their children for some time. In 1918, Britain's victory in World War I, dependent on the help of its colonies in addition to pressure from Indian politicians, led the Empire to affirm that South Asians residing in other colonies of the British Empire should be permitted to bring in their wives and children (Ralston 34). In 1920, Prime Minister Robert Borden grudgingly agreed but this would not be an official policy until 1924 (Agnew 150). Canada did not create the institutions needed for the practical procedure for the registration of wives and children in India until 1924

² Bank of Canada, "Inflation Calculator" (1914-2022), available online at <https://www.bankofcanada.ca/rates/related/inflation-calculator/>

(Agnew 150). In order for families to be admitted, South Asian men in Canada had to seek a letter from the immigration office which he would then send to his family, and that would be their safe ticket into Canada (“Indo-Canadian Interview 40”).

Outside of the Courts

While such policies were introduced that provided South Asians with more immigration rights in the country, it is important to note that even during such times, South Asians had to exercise a level of agency in order to achieve their desired outcome. The law in itself did not lead to South Asian migration to Canada. This is exemplified by Mohinder Singh who recounted his arrival to Canada in 1929, upon being called by his father. While en route to Canada, Mohinder was days away from turning eighteen. He was in Hong Kong, the last stop before Canada when his father urgently sent a telegram instructing him to change his ship (“Indo-Canadian Interview 40”). He told Mohinder to board the American *Presidant Grand* ship instead of the one originally planned that went straight to Canada (“Indo-Canadian Interview 40”). Through this ship change, Mohinder was able to arrive a few days before he turned eighteen. He could have been barred from entering the country if he had entered through his original plan. Mohinder’s story symbolizes how South Asian migrants took it upon themselves as individuals to enter the country, changed their plan accordingly and did not always intend to rely on the legal system unless they absolutely had to.

Mohinder’s story also highlights how migrants went to the U.S. to enter Canada, which was at times easier to reach than Canada. Tara Singh Kot who was returning from his trip back to India in 1925 found it impossible to get a direct ship to Vancouver because of the continuous journey regulation (“Tara Singh Kot”). This forced him to instead attempt to enter the U.S., as more ships ventured there compared to Canada. However, as he was not an American citizen and the U.S. was not a British colony, he was deported back to Japan (“Tara Singh Kot”). He eventually made it to Vancouver where he had no issue upon landing, as he had all the necessary Canadian residency documentation (“Tara Singh Kot”). However, even as someone who legally resided in Canada, once Tara left, he could no longer access the extremely limited avenues to lawfully return, which pushed him, and other South Asians, towards illegal methods, such as entering through the U.S.

Similarly, migrants such as Bhan Singh arrived in the U.S. illegally on fishing ships and later entered Canada. Bhan was fascinated with the large ships he saw arriving from abroad at his army workstation, where he was employed as an importer in Hong Kong. He finally decided in 1920 to make the jump and board the ship to the U.S. (“Bhan Singh Randhawa”). Bhan and his friend hid in the U.S. for many years until 1925, where they jumped off the train traveling from Yuba City to Sumas to come to Abbotsford, where an established South Asian community resided (“Bhan Singh Randhawa”). Bhan’s entry into the country was entirely illegal. He never alluded to trying to enter the legal way and with family troubles at home, he felt compelled to leave and made the jump. Nonetheless, Bhan was able to get permanent residency in 1930 after working continuously in the country for five years. After gaining the trust of his manager at Snowcrest Packers, he was able to apply for his sons to come to Canada as well (“Bhan Singh Randhawa”). What started as illegal migration, was regularized into legal migration and then created a trend of immigration through Bhan’s lineage via family reunification. South Asians’ agency in formulating other methods to enter Canada, such as going through the U.S., allowed the community to grow even during times Canada was closed to South Asians in the 1920s. Illegal methods of migration would increase as Canada further restricted South Asians immigration.

In September of 1930, order-in-council P.C. 2115 barred the landing of Asians in Canada, due to the Great Depression’s unemployment conditions (Ralston 34). Only the wives and minor children of citizens were allowed from Asian countries (Kelley and Trebilcock 223). From 1932 to 1933, many young South Asian men arrived in Canada claiming to be the sons of legal residents through forged papers but were in fact, nephews and the sons of friends (“Gurbachan S. Johal”). In India, their information was written in pencil, hence people could easily change their names on documents to enter the country (“Indo-Canadian Interview 41”). The South Asian community supported those who had arrived illegally and provided them with free housing and food until they found work, which did not take more than a week or two (“Manjit Singh Dhillon”). Even though family reunification rights had been granted, Canada was still a place to work for South Asian men and as family reunification was the only way to stay in the country, many men utilized this route. Many women opted to remain within the extended family network in India that provided childcare support and avoided the added financial and mental stress required from living isolated in a new country, where men lived together in bunks to save money.

Illegal Sons and Mobilization against Deportations

In 1936-7, the immigration department realized what was happening and attempted to deport those who had come under false pretenses (“Gurbachan S. Johal”). However, only a few were deported before the arrival of Dr. Durai Pal Pandia. Dr. Pandia was a British trained lawyer and activist from Tamil Nadu, who had served as the personal secretary for Mohandas Karamchand Gandhi for a time. He was chosen by the community to use his expertise in law and English to represent the awaited deportees and BC’s South Asians in immigration matters (“Dr. D.P. Pandia”). The community once again mobilized around the migrants by raising the necessary funds to support legal action against their deportation cases (“Dr. D.P. Pandia”). As a result, the majority of the community contributed \$25 each, which would roughly equal to \$482 today, when accounted for inflation (“Dr. D.P. Pandia”).

Simultaneously, Dr. Pandia contacted officials in Victoria, Vancouver and Ottawa in order to regularize the status of these South Asian migrants (“Dr. D.P. Pandia”). He spent his time mostly in Ottawa and counseled the migrants to appeal on the basis that while they did misrepresent themselves, their numbers were small, and they were law-bidding members of Canada who had contributed to society (“Dr. D.P. Pandia”). The Khalsa Diwan Society received letters from other migrants and associations requesting legal aid in deportation cases, and they financed Pandia to work on their cases as well (“Indo-Canadian Interview 40”). After three months in Ottawa, with the help of the community, Dr. Pandia was able to solve up to 350 deportee cases who were all granted immigrant status (“Darshan Singh Sangha”). It is interesting to note that from 1930 to 1937, Canada deported 25,000 people which far exceeded the number of deportees compared to the decade prior (Kelley and Trebilcock, 217). South Asians could have been included in this number if it were not for their collective and sustained effort to support and regularize illegal migrants’ status, with the help of its educated members like Dr. Pandia. These migrants would go on to sponsor their own families and increase the number of South Asians entering Canada. However, if they had not come illegally in the first place, at a time Canada was essentially closed, they would not have been regularized. Hence, regularization or “amnesty” policies that would increase in the latter half of the 20th century, would not have benefited South Asians as much if it was not for the agency they exercised during this period that led to their increasing migration and settlement numbers.

Post-World War II

After World War II, in 1947, the Canadian Citizenship Act was implemented which defined who a Canadian citizen was, independent from their status as a British subject, and many South Asians born or residing in the country were eligible for citizenship (Hawkins 120). The country's low birth rates during the Depression and war years produced shortages in all forms of skilled and low-skilled labour, creating plenty job opportunities favorable to opening up immigration policy. For almost 30 years after 1946, Canada experienced a post-war economic boom that rose the demand for workers and South Asians even began to be hired for higher level, engineering employment from which they had been previously excluded (“Kerpaul Kaur and Sucha Singh Hayer”). At the same time, Canada became invested in world politics, where racial discrimination was increasingly anathema as a result of the horrors of the Holocaust. Nevertheless, Mackenzie King affirmed that “admission was a privilege” based on migrants’ potential economic contributions and should not change the “fundamental demographic character of the community” (Kelley and Trebilcock 312). Hence, Asian migrant were still largely restricted. This form of inequality that existed between white and non-white immigrants upset the South Asian Canadian population who had resided in the country for generations at this point, and felt as Canadian citizens, they should finally be equal.

Mohinder Singh explained the South Asian community desired those rights given to their white counterparts, which included the right to sponsor relatives, beyond children and wives as was the case for European immigrants. “We were watching that other people are enjoying the rights and we did not have, we struggled for that quite bit” claimed Mohinder as South Asians questioned why Germans were allowed to bring their close relatives, but they were barred to do so (“Indo-Canadian Interview 40”). He stressed that South Asians struggled for their rights, and only got them through their struggle. Hence, the community advocated once again, by sending delegations to Ottawa and holding public meetings to gain the right to bring their relatives (“Indo-Canadian Interview 40”). It is important to note, during the Partition of British India in 1947, Punjab witnessed the most violent eruption of violence in the whole country (Banerjee 48). Business, property, and relations were damaged, and combined with more economic opportunities and established family members in Canada, people were eager to emigrate for a new life.

Family Reunification

While South Asians did not immediately receive the right to sponsor their relatives akin to European immigrants, the continuous journey regulation would finally end in 1951, replaced with an annual immigration quota for 150 migrants from India (300 in 1957), 100 from Pakistan and 50 from Sri Lanka (Varma 72). During this time, only 2,148 South Asians resided in Canada (Census of Canada 32-2). Through lobbying the government once again, South Asians gained the right to sponsor their children under twenty-one, their siblings and women could finally bring their husbands in 1954 within the quota. In 1957, they could also sponsor their elderly parents, keeping in mind, that all entries were at the discretion of immigration officers (Buchignani 106).

Sohan Singh Birak who came to Canada in 1956, states that to sponsor a relative, one needed a bank balance of \$1,000 and a job letter (“Sohan Singh Birak”). After being sponsored himself by his sister, Sohan would go on to sponsor his brother Gurbaksh Singh in 1969 and mother and younger brother Sewa Singh in 1974 (“Sohan Singh Birak”). South Asians expanded the transnational family networks they had begun constructing in the earlier decades (Walton-Roberts 244). Basant Singh who arrived in Canada in 1906, never had children or married, but sponsored his friend’s son, Ajit Singh by request of his father (“Kesar Singh”). The two of them collectively sponsored two hundred people to Canada, to the point where they no longer had any immediate family left in India (“Kesar Singh”). Compared to South Asians across the border in the U.S., South Asians in Canada were eager to sponsor people to maintain ties with their family, village and clan networks (Varma 251). This may have been because American South Asians witnessed more acts of overt violence towards their group. Caste associations and religious institutions also aided in the migration process which in addition to family reunification, triggered chain migration to Canada. The most frequently cited reason for selecting Canada as an immigration destination in the mid to late 20th century, was the presence of the migrant’s family members or friends already residing in the country (Walton-Roberts 244). Even for those who did not enter through family sponsorship, economically defined migrants’ motivations were also shaped by pre-existing social factors in the form of existing relations (Walton-Roberts 244). In 1961, 2000 Indian citizens would come to Canada as dependent relatives of resident Canadians (Walton-Roberts 244).

The 1967 Point System which accelerated the migration of South Asians from higher socio-economic and different ethnic backgrounds into the country, gave extra points to those whose family members already resided in the state (D’Costa 183). This further helped individuals whose family members made the journey to come to Canada during the time of exclusionary laws. Even

those who were not sponsored by family members and applied for immigration status after landing, as was permitted under the law, had roots in BC from the early 1900s which led them to return (“Jinder Singh Heer”). Over the next decade, cheaper transportation, improved communications technology and family reunification policies would enable many more South Asians to enter and permanently reside in the country (Banerjee 47). Nevertheless, this long and ongoing trend primarily began because South Asians already migrated to Canada.

Conclusion

In conclusion, South Asians exercised agency within the Canadian immigration system for their desired outcome prior to 1967. They managed to enter Canada during a time its immigration policies were built on ideas of Canada as a purely white society and tightly restricted South Asians entry. Migrants used various methods such as arriving through the U.S., using forged documents with fake names, and arriving as tourist’s or on ships like the *Panama Maru* and the *Komagata Maru*. South Asians residing in Canada rallied around these incoming migrants when threatened with deportation and continuously managed to support them legally and financially with their modest salaries. They united across religious, ethnic, linguistic and class differences and mobilized on a grassroot level to achieve their desired outcome. This included sending delegations to government offices to advocate for their rights and holding public and private meetings with key interests’ groups. They also tried to sway public perceptions in their favour during times of crisis by publishing articles in their own newspaper like *The Hindustanee* and other regional papers like the *Vancouver Sun*. South Asians exercised agency throughout their migration processes in the first half of the 20th century by defying exclusionary immigration laws and simultaneously using social, legal and governmental channels to fight and advocate for their rights.

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