

## **An Appraisal of the Komagata Maru Apology**

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The racial hostility and discriminatory treatment of non-white minorities, including Punjabi Indians, in the closing and first two decades of the 20<sup>th</sup> century on Canadian soil are all well documented. Racism, of course, operated at many levels and in varying degrees, but one incident that has received much academic interest, especially as it gave a boost to Ghadar activism in North America, is the shameful Komagata Maru incident of 1914. Over a century or so later, in May 2016, Prime Minister Justine Trudeau tendered an apology to the Sikh/Punjabi community in the Canadian Parliament. The paper opens with full text of the apology and after providing a brief overview of the Komagata Maru incident, recounts events leading to the apology. The paper highlights the role of intense lobbying by the Sikh community in Canada. Finally, paper uses multi-dimensional criteria to assess the form and nature of this apology and asks whether the community fully accepted it.

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### **Text of Full speech made by Justine Trudeau to Parliament on May 18, 2016:**

Mr. Speaker, I would like to begin by acknowledging the hard work done by many of my colleagues that has brought us to this historic moment here today.

From my own caucus, I thank the members for Surrey - Newton and Winnipeg North for their tireless advocacy. They have petitioned the Canadian government for years to make the apology that we will make today. I thank them for their commitment to this cause.

From the opposition benches, special mention must be made of the members for Calgary Heritage, Calgary Midnapore, and the former member for Surrey North. Each deserves recognition for the work they have done to seek resolution for victims and their families, as do the many organizations that have sought the same, in particular the Professor Mohan Singh Memorial Foundation.

Today I rise in the House to offer an apology on behalf of the Government of Canada for our role in the Komagata Maru incident.

More than a century ago a great injustice took place. On May 23, 1914, a steamship sailed into Burrard Inlet in Vancouver. On board were 376 passengers of Sikh, Muslim, and Hindu origin. Those passengers, like millions of immigrants to Canada

before and since, came seeking better lives for their families, greater opportunities, and a chance to contribute to their new home. Those passengers chose Canada. When they arrived here, they were rejected.

They were rejected because, at the time, the Government of Canada had passed the Continuous Passage Act. In accordance with this act, only passengers arriving on a continuous journey were authorized to disembark in Canada. This measure would have prevented immigrants coming from far-off lands, such as India, to enter Canada, because at the time it was impossible to travel such a distance without making a stop along the way. When the Komagata Maru arrived in Canada, just a few passengers were authorized to disembark.

Under this act, the ship and those on board were forced to turn around. Members of the local Sikh community tried to convince the authorities to reconsider their decision, but they stood firm.

On July 23, 1914, two months after their arrival, the Komagata Maru and its passengers were escorted out of the port by the Canadian Army. They were forced to return to India. Nineteen passengers were killed, and many others were imprisoned.

Canada does not bear alone the responsibility for every tragic mistake that occurred with the Komagata Maru and its passengers, but Canada's government was, without question, responsible for the laws that prevented these passengers from immigrating peacefully and securely.

For that, and for every regrettable consequence that followed, we are truly sorry.

We apologize, first and foremost, to the victims of the incident. No words can erase the pain and suffering they experienced. Regrettably, the passage of time means that none are alive to hear our apology today. Still, we offer it, fully and sincerely, for our indifference to your plight, for our failure to recognize all that you had to offer, for the laws that discriminated against you so senselessly, and for not apologizing sooner. For all these things, we are truly sorry.

I also wish to apologize to the descendants of the passengers of the Komagata Maru, including those who are here with us today. We can never know what your lives would have been like had your relatives been welcomed to Canada, the way in which your lives would have been different, and the ways in which Canada would have been enriched. Those possibilities are lost to history, and for that, and to you, we apologize.

Just as we apologize for past wrongs, so too must we commit ourselves to positive action, to learning from the mistakes of the

past, and to making sure that we never repeat them. That is the unique promise and potential of Canada.

We believe that everyone deserves a real chance to succeed, regardless of who they are or where they are from. Canada's South Asian community is a daily example of this success and of our success.

We believe and we know that diversity is a strength, that we are strong, not in spite of our differences, but because of them. We believe in the values enshrined in our Charter of Rights and Freedoms, including multiculturalism.

Before I finish, I would like to acknowledge one more member who has helped to bring the Komagata Maru incident to our national attention, our Minister of National Defence.

On an interesting historical note, before entering political life, the minister was the commanding officer of the British Columbia Regiment, Duke of Connaught's Own, the very same regiment that once forced out the Komagata Maru. A century ago, the minister's family might well have been turned away from Canada.

Today, the minister is an essential member of this government and sits here in this House. He sits in a House that includes immigrants, that includes the daughters and sons, and granddaughters and grandsons of immigrants.

The very makeup of the House should remind us all that when we have the choice between opening our arms to those in need or closing our hearts to them, we must always choose the more compassionate path. When we see injustice, we must speak up and attempt to make things right. When we make mistakes, we must apologize and recommit ourselves to doing better.

Canada is a country unlike any other. We are all blessed to call it home. Let us always endeavour to do better and to be better. Let us do that in honour of the victims of the Komagata Maru incident, and in honour of every courageous person who leaves behind family and familiar things to bring to Canada the very best of who they are.

[Source: Hansard May 18, 2016]

### **The Background**

The *Komagata Maru* tragedy had been in the making since 1904 when the Sikhs first came to Canada.<sup>1</sup> For almost a couple of years, the general public stood gazing at the newcomers from India and all appeared quiet. On August 30, 1906 the 'Tartar' landed 275 East Indians in Vancouver and 'the invasion began in earnest.'<sup>2</sup> Newspapers warned the 'the citizens may be prepared to see another horde of Hindus parading the streets in search of some place to stay. It is

expected that four hundred Hindus will arrive on the steamer on October 5, 1907.<sup>3</sup> In a jam packed meeting in City Hall called by Frederick Buscombe, the Mayor of Vancouver, unanimously declared itself against the immigration of East Indians. By July 27, 1907 the Vancouver Asiatic Exclusion League was established to oppose Asian migration to Canada. This organization held a meeting on September 7 which was attended by more than fifty trade unions, more than half the population of Vancouver, including church men, politicians and media. The inflammatory speeches galvanised the crowd and turned the meeting into a riot. The Chinese and Japanese quarters were attacked, looted and torched. The Sikh enclave was only spared because it happened to be at some distance from the meeting site and word got around that the Sikhs were ready to take on the rioters. Later, W. L. Mackenzie King (1874-1950),<sup>4</sup> the Deputy Minister of Labour, was appointed commissioner to investigate into the losses and damages sustained by the Japanese and Chinese population in Vancouver (British Columbia), on the occasion of riots in that city in September, 1907.<sup>5</sup>

The demand of the rioters was to stop migration of the Asians (here meaning largely Chinese, Japanese and Indian communities) to Canada (British Columbia). Earlier the flow of the Chinese had been controlled by imposing a head tax. Later this was to increase to \$500.<sup>6</sup> Similarly, Japanese migration to Canada was brought under control by a 'Gentlemen's Agreement' in 1908 whereby it was agreed by the governments of Canada and Japan that the Canadian government would not restrict the entry of Japanese to Canada and Japan would not issue visas to her citizens in excess of 400 per year.<sup>7</sup>

After controlling the Chinese and Japanese migration into Canada, the migration of Indians became the focus. So, on January 8, 1908 the 'Continuous Journey' Order-in-Council was issued. By this Order, Indians could only come to Canada if they had a through ticket on a non-stop journey from India to Canada.<sup>8</sup> As it was impossible to sail non-stop from India to Canada, the Order effectively brought about a complete stop to migration from India. This Order was in place until 1947.

Not satisfied with the effect of PC 1908-0024 the Canadian government schemed to evacuate all Indians from Canada. A scheme known as the Harkin Plan was hatched to relocate them to British Honduras. However, this scheme was turned down by the Indians which earned them the wrath and anger of the Canadian government.<sup>9</sup>

### **The Order Challenged**

Despite the prevalence of the Order (PC23), some ships continued to ferry Indians in small numbers from Hong Kong to Canada. Upon arrival these passengers were found in violation of the Order and ordered to be deported. The deportee(s) would challenge the deportation ruling in the Canadian courts. And surprisingly every time this happened the Order was either found faulty or 'illegal' on some technicality and the deportation would be overruled. The immigration authorities would hastily amend the Order and await the next

challenge. Such iteration of the Order took place several times in the period 1908 to 1914. Additionally, new Orders were passed to make the landing of the Indians more and more difficult.<sup>10</sup>

Not only was the Order changed and rewritten over and over again, but the Canadian government changed the judicial system of British Columbia diluting the power of the Supreme Court of British Columbia

The rejection of the Harkin Scheme and the sustained success [the Indians had succeeded in landing more than 100 passengers despite the laws to prevent them from doing so during the period 1908-1914] in the courts challenging the immigration law was frustrating and humiliation for the immigration authorities. There were two lessons they learnt: (a) don't allow Indians access to the courts of Canada, and (b) don't allow any Indian to get off the ship.

The authorities were adamant in implementing the Order-in-Council as strictly as possible. They served notice to the only shipping company plying the India-Canada route to cease operation at the pain of strict government sanctions.

In May 1914 a Bihari Lal Verma tried to charter a ship from Bombay. His purpose was a start the journey to Canada from India thus satisfying the continuous journey aspect of the 1908 Order. This effort was blocked by the direct connivance and interaction of the Canadian and Indian governments. Later on, same tactics were employed against Gurdit Singh when he tried to charter a ship from Calcutta.

### **Intentions of Gurdit Singh**

Gurdit Singh did not in any way set out to 'challenge' the (racist) immigration laws of Canada.<sup>11</sup> He was a very ethical, religious and upright character. His involvement in the renting of the *Komagata Maru* was quite accidental. He was on a business trip to Hong Kong during December 1913. At that time, he attended the Hong Kong *Gurdwara* celebration of the birth of Guru Gobind Singh. As a matter of respect and regard, he was asked to address the congregation by the management of the Gurdwara. It was quite customary and respectful for him to speak against colonialism and link the plight of the stranded travellers with the political status of their native land. He said that all the discrimination and racism suffered by the Indians in India was a consequence of their being enslaved people. The political stance of the various political parties in India, quite routinely, linked their mistreatment under British Imperialism to the slave status of the Indians. Gurdit Singh was not saying anything different.

When at the end of the service, the stranded travellers approached Gurdit Singh for help to get to Canada his response was most appropriate. His volunteering to help was like an oath; he said that he would help. It must be remembered that saying something in a Gurdwara is like saying it under oath. In any case, given the persona of Gurdit Singh, this was a promise that he could not break.

Following this interaction, he immediately went back to Calcutta and tried to rent a boat. However, his effort there did not yield any success. He then

journeyed to Singapore. Here he almost got a deal but when he went back to finalize the arrangement the offer was withdrawn. No doubt, at the askance of the Canadian government! Not to be dismayed, he then arrived in Hong Kong. After some hassle, evoking some past links and connections, he was successful in securing the *Komagata Maru*. Again the drama of arresting him [for selling ticket for a phantom trip to Canada] was as crude as uncanny.<sup>12</sup> Then began a 'comedy of errors' - the delay in granting sailing orders, the departure of the Governor of Hong Kong, the chance meeting with the acting governor, the two unanswered telegrams sent by the Canadian Acting Governor General to Ottawa, the granting of clearance to sail, not having telecommunication link on board the *Komagata Maru*, etc. all obstructed his efforts. This was the background to the voyage of the *Komagata Maru*. The second part of the tragedy started on May 23, 1914.

### **The Komagata Maru**

The ship SS *Komagata Maru* was launched by Charles Connell and Company of Scotstoun on 13 August 1890. Upon completion in September 1890, she was delivered to the German company Dampfschiff Rederei Hansa of Hamburg, and was registered under the name SS *Stubbenhuk*. She was subsequently acquired by the Hamburg America Line of Germany, where she sailed as the SS *Sicilia* in 1894.<sup>13</sup>

Later she was acquired by the Shinyei Kisen Goshi Kaisha Company in 1913 who renamed her *Komagata Maru*.<sup>14</sup> This vessel was chartered by (Baba) Gurdit Singh<sup>15</sup> (1859-1954) in 1914 who renamed her *Guru Nanak Jahaz*. With a crew of 40 and 376 passengers<sup>16</sup> he set sail from the Japanese port Yokohama on May 3, 1914 for Vancouver, Canada.

The ship arrived at Coal Harbour in Burrard Inlet, Vancouver in the early hours of May 23, 1914 after a journey of 9,000 nautical miles. Upon arrival, contrary to Maritime Law, the vessel was not allotted a dock but made to drop anchor about a kilometre away from the shore. Immediately a strong cordon of harbour police was thrown around her. Gurdit Singh let it be known that he and all the passengers were British subjects and they had the right to land in all possessions of the British crown. Therefore, he said, the restrictions imposed by the 'Continuous Journey' Order (PC1908-0027)<sup>17</sup> were not applicable and if this right was denied then he would seek relief in the Canadian courts. This was neither a threat nor a challenge - just an articulation of the options available to him.

But, long before the *Komagata Maru* arrived<sup>18</sup> the Canadian authorities had decided to deny the ship to land any passengers. The immigration authorities did not follow the procedure by not conducting a medical examination of the passengers and start the immigration process. The fate of the passengers was decided unilaterally, arbitrarily and before they entered the Canadian territory. All communications between the passengers and the Canadian (Indians) were denied and actively prohibited. Gurdit Singh informed the immigration officials

that he was a merchant and had the right to go ashore but that right was denied too. He also told them that he wanted to unload his cargo (coal he had brought to sell in Canada) and load lumber (which he was to carry back to Japan) and this was also denied.

The authorities knew that Gurdit Singh's contract demanded a payment which he could only make with the help of the Indians ashore. The immigration authorities hoped that if that payment were not made then the leasing company would demand an immediate return of the vessel to Japan. They were waiting to see the outcome of that situation. In the meanwhile the desperate need for water and other food supplies was denied. Gurdit Singh reported the situation (by telegram and correspondence and through the captain of the *Komagata Maru*) to the Canadian Prime Minister, the Governor General of Canada, the officials in London, UK and the authorities in India, but none responded.

However, the Indians in Canada had formed a Shore Committee.<sup>19</sup> They raised money for the charter, legal proceedings and for supplying food and water to the *Komagata Maru*. They had raised \$5,000 in cash<sup>20</sup> and another \$66,000 in pledges. The charter money was paid and the charter was transferred to the Canadian Indians.

After many delays, the immigration authorities agreed to start the landing process but imposed several conditions. They said that they will consider a test case and if the person is found to be deportable then all passengers will be liable to be deported without any legal appeal. They said that the person to be used in the test case will be chosen by them and if the immigration board denies him the right to land then he will be allowed only one appeal to the Court of Appeal.

Meanwhile, the Shore Committee could not even get a lawyer of their choice to represent them. When they approached a law firm, the lawyer said that it was not a legal matter but a political one and that was not the basis on which a lawyer could represent the client faithfully.

The passengers were supplied with provisions only at minimum quantities and with delay and most inadequately. Passengers were starved and parched while 'under arrest' on the boat in Canadian waters.

The humiliation of the passengers and the Indians on shore was utter and complete. At one time a tugboat *Sea Lion* with 160 armed men 'invaded' the *Komagata Maru* with the purpose of boarding the *Komagata Maru*, firing up her engines and sail her beyond the Canadian territorial limit on the high seas. A battle ensued and the designs of the *Sea Lion* failed. This prompted the immigration authorities to request the Prime Minister to dispatch the warship<sup>21</sup> HMCS *Rainbow* to Vancouver. This cruiser positioned itself at point blank range ready to blow the *Komagata Maru* out of waters. The ship was under the command of Commander Hose, with troops from the 11th Regiment "Irish Fusiliers of Canada", 72nd Regiment "Seaforth Highlanders of Canada" and the 6th Regiment "The Duke of Connaught's Own Rifles".<sup>22</sup>

Furthermore an armed militia of 200 men arrayed on shore in front of the *Komagata Maru* ready to go into action. Meanwhile, the legal and other formalities of deportation had been 'completed'. Munsha Singh was given a

quick hearing, ordered to be deported, allowed to appeal, the appeal had been denied and a formal deportation order had been served. After this, each passenger was served a deportation order. The guns of the *Rainbow* had been loaded, raised and aimed at the passengers. The passengers agreed to depart only if provisioned adequately. The Canadian authorities refused to pay for the provisioning.

This was the situation when the Canadian Federal Minister of Agriculture, Martin Burrell arrived. He agreed to have the ship provisioned provided the ship set sail straight after the provisioning. With regard to the expenses incurred by the Canadian Indians, he extended a hollow, meaningless and vacant 'promise' - 'As a Member of the Government, I shall wire to the Prime Minister, asking that these claims should be thoroughly looked into by an imperial Commissioner and will urge that full and sympathetic consideration be given to all those who deserve generous treatment.' The minister did not deal in an honest manner. He would not agree to let the ship go to Calcutta but to Madras (this was kept secret from the passengers).

Before weighing the traitor (who spied upon the passengers and informed the Canadian authorities) Dr. Raghunath, his wife and child, secretly (and illegally) landed. This was in addition to the previously landed 20 returning Indians - and 1 dead body.<sup>23</sup> Now 352 passengers were escorted out to sea under the shadow of the guns. No students or priests were allowed to land though these categories of professions were exempt by other legislations. The total cost endured by the community in Canada was estimated to be \$143 million.<sup>24</sup>

The Canadian officials operated beyond their authority and manipulated the judicial system and the lives of the passengers. They frequently overstepped their powers.

The nightmare was not yet over. Having departed on July 23, 1915 at 5:10 a.m. the *Komagata Maru* arrived in Yokohama on August 16, 1914 (12 days after England had declared war on Germany). Japan was reluctant to allow the *Komagata Maru* free access and after landing 18 passengers in Yokohama and 15 in Kobe and picking up 2, the *Komagata Maru* left Japan with 321 passengers. As they were not allowed to enter Hong Kong the ship proceeded to Singapore. Here they refused to go further. They did not want to go to Madras and gained permission to go to Calcutta instead. However, before reaching Calcutta they were forced to dock at Budge Budge - 20 miles short of Calcutta. Here they were forced to disembark and required to board a special train to Punjab. Again the passengers refused and in the evening when the Indian authorities tried to arrest Gurdit Singh, a riot broke out and 20 passengers were killed.<sup>25</sup>

### **Gurdit Singh**

The charterer of the *Komagata Maru*, Gurdit Singh was a too honest a person to take on the deceitful and cunning officialdom of Canada. When the ship was rented and all plans had been completed for the departure, Gurdit Singh wanted

to go back to Calcutta but the people in Hong Kong persuaded him otherwise. His unchallengeable defence of being a British subject was an unimpeachable argument which was not properly presented at the Munsha Singh immigration hearing. The lawyers<sup>26</sup> were his Achilles heel. Gurdit Singh was in the hands of the virtually uneducated (in a legal sense) members of the Shore Committee. Admittedly, the people in Canada could, in all fairness, bear only a limited amount of financial burden. But to have given up when so much was at stake and without trying to raise more money, buy and acquire more advice, it was a folly and a betrayal to have Gurdit Singh and the passengers return to India. No doubt, the lawyer at McCrossan and Harper said that, in their view, the whole affair had got 'beyond the realm of legal proceedings' and had become a question of national policy and diplomacy rather than law<sup>27</sup>, yet there was room to manoeuvre. No strategy was developed when it was clear that the immigration officials were going to be obstructionist rather than technical and legal. They could have appealed to the Supreme Court of Canada, falling that to the parliament of Canada and following that to the Privy Council in London. All these options were left unexplored.<sup>28</sup>

### **Response of Indian Authorities**

For the passengers, returning to India was like 'out of the frying pan into the fire'. The Budge Budge massacre was a premeditated and a pre-planned act by the colonial government of India. The *Komagata Maru* was searched three times and no arms, ammunition or seditious literature were found. The fact of the matter was that there were no such items on board the ship.<sup>29</sup> Even when the ship was broken up no arms were found in any cavities of the ship. Further, the passengers and the ship were under guard all the time while they were in Canada, so, how could any of these things have been got on board? If they were smuggled while the ship was in Japan, then to whom were they entrusted and for what purpose? Gurdit Singh was a patriot - how eerie to see him as a Gadarite. The Committee of Inquiry which supported the arms scenario and swore to the Ghadar stance of Gurdit Singh were politically driven. This committee was stacked by bigots and traitors like the Maharajadhiraja of Burdwan and Daljit Singh. The witnesses were all frightened, and virtually broken people - who would have been keen to say anything the commissioners wanted to hear and it is not clear whether they had access to any lawyers at the time of the hearing. Finally, when Gurdit Singh surrendered, there were no charges brought against him and no police force wanted him even though the Punjab and Bengal police make every effort to rope him.<sup>30</sup> This then is what the Canadian apology was all about.

### **Formulation of the Apology by the Sikh Community**

The Sikh community was quite oblivious to the apology for the *Komagata Maru*. In reality there was hardly a Sikh/Indian community in Canada before about

1970. The communication between the Sikh/Indian community on the east coast of Canada and west coast of Canada was non-existent. Hardly a handful of Indians had drifted to eastern Canada before 1947. There was some infusion between 1947 and 1970. However, it was only after 1970 that some inflow set in. At that time these settlers were mostly students or a few professionals. These classes of people were mostly interested in their immediate and personal matters and not in community issues.

The awakening to the *Komagata Maru* came about in 1988 when on September 22, 1988 the Canadian Prime Minister The Rt. Hon. Brian Mulroney apologized to the Japanese Canadians<sup>31</sup> for the wrongs committed during World War II.<sup>32</sup> That was the first national apology in Canada.<sup>33</sup> though apologies<sup>34</sup> of some sort or another had been given, received, accepted or rejected since the eleventh century<sup>35</sup> or perhaps even earlier than that.

By 1988, the Sikh community had become well-established in Canada and there were more than 100 gurdwara across Canada. In addition to *Gurdwaras*, several other organizations had been formed. One such organization was the first national organization of the Sikhs in Canada - Federation of the Sikh Societies of Canada. The Federation held a conference in 1989 and passed a resolution on the 75<sup>th</sup> anniversary of the *Komagata Maru*. The demands were: an apology, a monument and an institution in the name of the *Komagata Maru*. Organizations in British Columbia also articulated similar demands.<sup>36</sup> However, there was no coordination between the various Sikh societies. The Khalsa Diwan Society, Vancouver also established a plaque to mark the 75<sup>th</sup> anniversary of *Komagata Maru*.<sup>37</sup>

The memorial in India had been established at Budge Budge by Gurdit Singh and Prime Minister Jawaharlal Nehru on January 1, 1952. Another plaque was established in Portal Park, Vancouver in 1990.<sup>38</sup>

### **In Parliament of Canada**

For the first time, Gurmant Grewal, a member of the Reform Party, Surrey Central, B.C., stood up in the Canadian House of Commons on October 9, 1997 and said, ‘...The 1914 *Komagata Maru* incident mars Canadian history; 356 (*sic*) persons, most of them Sikhs, were detained for two months and forced to depart resulting in the loss of many innocent lives at sea. The government of Canada owes these people an apology.’ He was to speak on 4 different occasions<sup>39</sup> and brought a petition to the House in 2002. Four years later<sup>40</sup> in 2006 Prime Minister Stephen Harper said that he will consult with the Indo-Canadians to determine how to recognize the “sad moment” in Canadian history.

On April 17, 2007 Sukh Dhaliwal, a Liberal MP from British Columbia called upon the government to formally acknowledge the *Komagata Maru* incident and render an apology. On June 6 he presented a motion: ‘That this House apologize for the tragedy of the 1914 *Komagata Maru* incident and that it ask the government to also apologize and honour this apology by creating a permanent national memorial in British Columbia and a permanent educational

exhibit in the Canadian Museum for Human Rights'. Penny Priddy, of the National Democratic Party, also moved for an apology and a monument.

In 2008, the Harper government established a Community Historical Recognition Program of \$13.5 million for 68 communities to dip into but no specific mention of any apology was made. This was supplemented by the Ruby Dhalla motion asking for an apology.<sup>41</sup>

Nina Grewal presented a second petition on May 15, 2008 evidently signed at the *Gadri Babiyian da Mela*. The Dhalla motion passed the house unanimously. The Harper Government had made up its mind to address the issue. But before the Prime Minister was to appear at the *Mela*, the B.C. legislature passed its own resolution apologizing for the *Komagata Maru* on May 23, 2008 - 94 years later.<sup>42</sup> More touching were the words: '*Ah-seen kaman da jaa-chack haan, Thu-haa-nuu jee-Iyan-nu kan-da haan*. [Forgive us. You are welcome.]'

Harper appeared at the 13<sup>th</sup> *Gadri Mela* on August 3, 2008 and said, referring to the Dalla motion that: '...This May, the government of Canada secured passage of a unanimous motion in the House of Commons recognizing the *Komagata Maru* tragedy and apologizing to those who were directly affected. Today, on behalf of the Government of Canada I am officially conveying, as Prime Minister, that apology.' This was the extent of the 'apology' presented by Prime Minister Harper.

The circumstances of the PM's appearance at the *mela* were as follows: The organizers of the *mela* were told that the PM would like to attend the *mela* and announce that an apology would be rendered in the House of Commons. The fact of the matter was that the PM attended the *mela* and did not announce anything but actually made an 'apology'. In hindsight the appearance of the PM was his 'clever' way to appear before a crowd of thousands and score political points. The so called apology was exactly that - a so called apology. It did not bode well with the organizers or the people in the *mela*. No sooner had the PM finished speaking when Thind, the president of the Prof. Mohan Singh Foundation, the organization holding the *Mela*, sprang up and said that the apology was not accepted. Thind's prepared speech of glowing words which he was going to make thanking the PM for accepting the demand of a formal apology lay deep in his pocket, never to see the light of day. Members of other organizations, such as the *Komagata Maru* Heritage Foundation, the Descendants of *Komagata Maru* Society and some other local organizations were present as well. However, they were all stunned when the PM said that '...Today, on behalf of the Government of Canada I am officially conveying, as Prime Minister, that apology.' 'The apology was unacceptable,' said Jaswinder Toor, president of The Descendants of *Komagata Maru* Society.

Following Harper's speech, Sikh community leaders asked the crowd for a show of hands on whether or not to accept the apology. A sea of hands went up and it was announced that the gathering had rejected it. PM Harper did not wait to hear the response to his address. When Secretary of State Jason Kenney, who was accompanying Harper during the visit was asked by the media if an

announcement will be made in the House, he said, 'The apology has been given and it won't be repeated.'

The Sikh quest continued. The irony of the Harper action was that he went to the *Mela* of the Gadhari who had vowed to bring down the British [read Canada] in a most violent manner possible. And there was the PM of Canada offering an apology. Was he saying that we Canadians are sorry we did not let you kill and destroy us?

In an effort to console the Sikhs, Justin Trudeau reached out to the Sikh community and committed himself to offer an official apology in the House of Commons, Ottawa, if he became the next Prime Minister of Canada. He repeated his promise in August 2015.

On becoming the Prime Minister, Justin Trudeau visited the Ottawa Gurdwara and the apology was again demanded<sup>43</sup>: 'First and foremost we seek an apology and redress of the inhuman treatment of the Sikhs of Canada and passengers of the *Komagata Maru*. A formal and official apology in House of Commons, a fitting monument here in the Capital where all the decisions were taken and an establishment for the study of Minorities and the Law; we also feel that 19 people who were killed at the behest of the reports of the Canadian immigration department be extended posthumously the Canadian citizenship'.

The PM allowed his Sikh MPs to celebrate Vaisakhi 2016 on Parliament Hill in the Parliament of Canada. At that time he clearly stated that he will offer an apology for the *Komagata Maru* in the House of Commons on May 18, 2016.

### **What Constitute an Apology?**

There are several types of apologies.<sup>44 45</sup> A national apology is a collective, political, and inter-state or intra-state apology. One of the reasons cited in defence of making an apology is that 'if we close our eyes to the past we become blind to the present'.<sup>46</sup> The *Komagata Maru* apology may be listed as a national apology. The apology should officially accept a collective responsibility for a historical injustice.<sup>47</sup>

### **Basic Components of an Acceptable Apology?**

National Apologies can be classified as a one-to-one, one-to-many, many-to-one or many-to-many types. The *Komagata Maru* apology was of the type of one-to-many where 'the one' is the representative of the government and 'many' is the community which included the descendants of the community.<sup>48</sup>

So before we analyse the apology offered we should identify the elements of an acceptable apology. Sanz has identified the following basic components of an apology:-

1. Acknowledgement ('Something happened')
2. Regret ('it was wrong')
3. Responsibility ('we were responsible for it')
4. Remorse ('we are sorry')

5. Non-repetition ('it won't happen again')
6. Refrain from appeals for forgiveness ('we do not have the right to ask for forgiveness').<sup>49</sup>

### Assessment Criterion

But all these requirements are 'too easy' to accomplish. So there are three basic mechanisms to measure the truthful and genuineness of the tendered apology. These are: sincerity, consistency and material compensation.

**Sincerity:** The ultimate display of sincerity while extending an apology is the 'unrehearsed' part of the presentation. A shining example of that sincerely - not without criticism - was the kneeling of Herr Willy Brandt (1913-1992), German Chancellor (1969-1974) when on December 14, 1970 he fell on his knees at the site of the Warsaw ghetto to express guilt, sorrow and responsibility of Germany for the Holocaust.<sup>50</sup>

**Consistency:** Ideally this would be best represented if new legislation or some sort of correcting/monitoring or redress institution is created. Megawatt Sukarnoputri, born 1947, the Indonesian president from 2001 to 2004, while visiting the province of Aceh said that she was sorry for mistakes by past governments in the region's separatist war that had left thousands dead.<sup>51</sup> She displayed consistency in her apology when she said, 'But apology is not enough. It must be accompanied by a series of rearrangements to restore things in the shortest possible time. Therefore we are now carrying out basic corrections in the two provinces, not only by paying respect to the cultural identities and specific characteristics of the people, but also by granting the regional administrations more authority to manage their respective regions in the framework of special autonomy.'

**Compensation:** With respect to the material compensation criterion, the point is well made by Desmond Tutu, the Nobel Peace Prize winner. He said, 'if I steal your pen and say "I am sorry" without giving back the pen, your apology means nothing'. So affirmative action without apology is as meaningless as an apology without affirmative action. Compensation, actual or in kind, is an integral part of a meaningful and genuine apology.

An apology must satisfy all the Basic Components and the Assessment Criteria.

### Was the Apology Extended by Trudeau Adequate?

Let us weigh the May 18 apology by the Canadian prime minister in the scales of an acceptable apology.

The 51-sentences (delivered in 11 min - speech started at 3:12pm) apology can be dissected in three parts. The first 6 sentences were used to thank his colleagues in creating the moment of apology. The next 32 sentences focused on the *Komagata Maru* event and the last 13 sentences were spent on his

Minister of Defence who was the colonel-in-chief of the regiment which was used by the Canadian government to drive the *Komagata Maru* out of Canadian waters.

### Judging the Elements

The 32-sentence part is the apology proper. Almost half way down the first element of 'acknowledgement' is stated, 'Canada does not bear alone the responsibility for every tragic mistake that occurred with the *Komagata Maru* and its passengers, but Canada's government was, without question, responsible for the laws that prevented these passengers from immigrating peacefully and securely.' This section affirms that 'something happened'; [Element 1 is satisfied].

Element 2 [it was wrong] is implied in, '....Regrettably, the passage of time means that none are alive to hear our apology today. Still, we offer it, fully and sincerely, for our indifference to your plight, for our failure to recognize all that you had to offer, for the laws that discriminated against you so senselessly, and for not apologizing sooner. For all these things, we are truly sorry.' Hence the second element is also present in the offered apology.

Similarly Element 3 [we were responsible for it] is also covered, '.....Canada does not bear alone the responsibility for every tragic mistake that occurred with the *Komagata Maru* and its passengers, but Canada's government was, without question, responsible for the laws that prevented these passengers from immigrating peacefully and securely'.

Element 4 [we are sorry] is shown in, 'For that, and for every regrettable consequence that followed, we are truly sorry'.

Element 5 [it won't happen again]: 'Just as we apologize for past wrongs, so too must we commit ourselves to positive action, to learning from the mistakes of the past, and to making sure that we never repeat them. That is the unique promise and potential of Canada'.

Element 6 requires a display of humility. The apologise is seeking forgiveness for the acknowledged accesses. Unlike the apology given by the B.C. legislature, the Trudeau apology did not show any humility. So, this element of the apology is absent or ignored and therefore not adequately covered.

### Judging the Assessment Criteria

These mechanisms are the backbone to a truly meaningful and genuine apology. Let us see if these are satisfied.

**Sincerity:** Having been present at the time when the apology was tendered, and having personally congratulated the PM minutes after the speech was delivered, it can be stated that the speech was undoubtedly a sincere, from the heart and a genuine speech. But that is the temperament of the PM. It must be stated that

there was no *knee-fall*<sup>52</sup> but the passion was outpouring. A pass mark must be allotted to this criterion.

**Consistency:** No mention was made for the creation of any 'institution' of redress. No mechanism to de-institute racism was announced here or in any other event associated with the apology. This compulsory question on the exam-paper was not even attempted - therefore no score on this. In fact, racism still continues in many form in Canada in government rules and regulations.

**Compensation:** This compulsory question was also not attempted. This important criterion was not met by any standard.

### **An Assessment of the Apology Offered**

By the time the apology was made the various elements of the demand had been well established. These were: the apology itself, a monument in Ottawa, establishment of a centre to study politicised racism and honorary citizenship to the 20 people killed at Budge Budge.

The apology offered did not meet all the criteria of an acceptable political apology. Of the 6 components, at best only 5 elements are covered and of the 3 necessary and vital criteria only a half criterion can be accepted as satisfactory.

Another major flaw in the apology offered was that it did not extend to the community that was wronged. In principle it should have been given to the entire Indian community of Canada. As mentioned above it was the community which was insulted, jested and wronged. The entire community was treated in a demeaning manner. It was humiliated and put to shame.

During the formulation of the apology, the community was not consulted in any meaningful manner.<sup>53</sup> That is why the apology was neither accepted nor rejected. The fact of the matter was that since there was no 'client' for the apology, none had the mandate to accept or reject it. By standard norms if an apology is not accepted it is a non-apology.

In all fairness it must be conceded that the parliamentary setting did not allow the accepting or rejecting opportunity. However, it could have come later on in the shape of a communiqué - but that did not happen. There were no 'takers' of the apology. In the case of the Harper apology though the response was not anticipated, the option was evoked by the people at the *mela* and they chose to promptly reject it unequivocally.

The House of Commons setting did not readily allow such an action, although there was time allotted to a response from the Opposition Party (see Appendix at end). The dangerous precedent to have the provision of receiving forgiveness is as dicey as having it. The practice to accept or reject is ever-present though not a mandatory practice. No press release or any such formal communiqué was put out by any Sikh/Indian organization accepting or rejecting the tendered apology.

The speech indicated that since none of the passengers were living today it was therefore extended to their descendants. But not all the descendants were present at the time of the event - so where do the descendants come in? The

question must be asked that if no descendants had lived in Canada would there have been an apology. And is the apology to the descendants not living in Canada as well. Are the descendants rightful recipients of an apology of this nature? According to the Thompson criterion the descendants as identified by the Canadian PM may not be the rightful recipients.<sup>54</sup> The apology should have been to the Canadians by the Canadians.<sup>55</sup>

The apology came about because the Sikh Canadians demanded it and they were ashamed that their kith and kin were insulted and through their humiliation they themselves were humiliated. Both the passengers of the *Komagata Maru* and the Indians in Canada at that time were slighted. The apology should have been to the passengers, the descendants and also to the entire Indian community of Canada. After this was the community that bore the cost of the incident running into millions of dollars.

Unlike the interaction with the Chinese and the Japanese community the government did not interact with the Indian or Sikh community. The Prof. Mohan Singh Memorial Foundation was a group relating to the Vancouver community only.<sup>56</sup>

The most pressing reason for declaring the apology a hollow one is that there was no consistency and compensating component. Other demands were not alluded to: since the PM did not mention the various plaques and edifices it can be concluded that they were either inadequate or insignificant. Also, the government was not in favour of building a commemorative monument. The government did not feel the need to set up a centre to study racism against the Asians. The government did not accept that the 20 killed in Budge Budge was because of the disinformation provided by the Canadian immigration officials. The government waited more than a century to plead guilty and they did not even do that properly.

In as far as the monetary compensation is concerned, the government was not willing to give up anything. The demand was to set up a an institution in Canada for all Canadians and yet the government did not yield in contrast when the Shore Committee provisioned the Maru, they saved an expenditure which should have been incurred by the exchequer and at least that money should have been refunded to the community. Even that was not done and government of the day gained from being racists.

## Conclusion

On May 18, 2016, Parliament Hill in Ottawa was packed with Sikhs from across Canada. Possibly, some Hindus and Muslims were present which would be appropriate and proper. So the 'Indians' were there to hear the formal apology of the Prime Minister of Canada.

The apology, as rendered by the PM was surprisingly full of factual errors. The apology mentioned the 'victims' and the 'decedents'. It is possible that it was constructed with haste and in isolation. This is just as well because if the government would have embarked on a consultation process it could have been

a little tricky and possibly unachievable. The Indian community would then have to assemble an 'Indian' committee. This would undoubtedly been a herculean task. It is just as well that there was no constituent in this affair.

There was a reception in the Sir John A. Macdonald building at 144 Wellington Street opposite the West Block of the Parliament in the afternoon of May 18. Many Sikhs were heard discussing the 'value of this apology'. Most thought it was too little too late. There was talk of two missing components: the compensation and the lack of identification of the (Indian) community.

One could argue that the apology yielded the least possible. The Chinese apology by the Canadian government fell in the same category. They are still seeking a reasonable settlement. They have taken the matter to the United Nations. They argue that the government of Canada should not be allowed to profit from racism. In the case of the Sikhs, there a bill of \$143 million which is still outstanding. The moral hurt which was received by the Sikhs by the massacre of 20 passengers at Budge Budge still needs soothing, despite the fact that an honorary citizenship was demanded for them. Two lawyers have been consulted about this situation and in their opinion the missing components of the apology can still be demanded and be fulfilled. A national committee for the redress should be stuck and a lobbying process should be initiated without negating what has been already achieved. The UN option still lies unexplored.

Efforts should be made by the Sikhs in Canada to seek a redress from the Queen in the UK for their conspiratory role in the Komagata Maru Affair. Sikhs are actively pursuing the British government to hold a public inquiry into the role of the British government in the 1984 massacre of Sikhs in India, the Jallianwala Bagh massacre, atrocities committed against the Kookas, etc.<sup>57</sup> Sikhs all over the world should take encouragement from the Canadian achievement and put forward their respective claims. The claim of the Sikhs for the assets of Maharaja Duleep Singh is a case worthy of such redress.

[**Acknowledgement:** Major aspects of this paper were presented at a seminar in Guru Nanak Dev University, Amritsar, Punjab]

## APPENDIX

[Opposition Response reproduced from Hansards, May 18, 2016]

### ROUTINE PROCEEDINGS

[Routine Proceedings]

[English]

Komagata Maru

.....

Hon. Rona Ambrose (Leader of the Opposition, CPC):

Mr. Speaker, today, I rise to join with the Prime Minister and all members of the House in gathering to reflect on a tragic chapter in our country's history.

[Translation]

As Canadians, we have always taken pride in our country's commitment to our shared values of justice, freedom, tolerance, and respect for human rights.

[English]

We are rightly proud of our country's openness to newcomers from all over the world. Canada has been enriched by the generations of hard-working men and women who have come to our country to seek a better life. Ours is a society that offers opportunity for all, regardless of one's background. It is a life free from the violence, persecution, and insecurity that so many have been forced to flee.

[Translation]

However, there have been times when Canada has not fulfilled these aspirations. We must recognize and try to set right those periods in our past when we have not lived up to our values.

[English]

We have to reflect on and learn from times in which Canada acted unjustly. The tragic events that we are gathered here today to remember was one of those lapses.

When the vessel Komagata Maru arrived in Vancouver, on May 23, 1914, most of the nearly 400 passengers onboard were immigrants from Punjab. They were Sikhs, Hindus, and Muslims, and all British subjects, just like Canadians at the time. They were simply seeking a better life in Canada. Twenty-four were allowed in and the rest were not. The ship and its passengers were detained in a harbour for two months, until they were escorted out on July 23 and sent back to India. When they arrived in Calcutta, a disturbance broke out in which 19 passengers were shot and killed and dozens more were arrested.

This journey resulted from Canada's refusal to welcome them. It ended in terrible tragedy and great hardship for those aboard the Komagata Maru.

It is for that refusal that the Canadian government, and all of us here, stand today to recognize the terrible events that occurred when Canada failed to accept those seeking shelter in a new home.

1525)

[Translation]

This side of the House welcomes today's apology. We wish to join with the government in offering a deep and sincere commitment to honour the memories of those who suffered and to learn the lessons of this tragedy.

[English]

Today's apology is the culmination of a process of recognition that began with steps taken by our previous Conservative government about a decade ago. This process began with the previous prime minister and member for Calgary Heritage's public recognition of the injustice committed against the passengers

of the Komagata Maru in 2006. It was followed by his apology to the community in Vancouver in 2008.

That marked the first time the Government of Canada gave official recognition of this tragedy, and the recognition was backed up by a deep and meaningful commitment to never let the memory of this event fade. Our Conservative government created the community historical recognition program, which offered support to Indo-Canadian groups seeking to acknowledge, commemorate, and educate Canadians about the Komagata Maru. This program supported the development of books, documentaries, websites, and other resources so that future generations could learn from this tragic event.

Our government was also very proud to support the first public museum dedicated to the Komagata Maru, opened at the Khalsa Diwan Society in Vancouver, in 2012, and the first public monument in Vancouver's Harbour Green Park.

In 2014, we were all proud in the House when Canada Post commemorated the 100th anniversary of the Komagata Maru with a special stamp.

[Translation]

It is through actions like these that we sought to recognize this historic injustice and ensure that future generations understood the mistake that was made. We take these actions because we want to live up to our own values.

[English]

We cannot change the past, but we can demonstrate that Canada has changed. No nation can grow without re-examining our past and seeking to move beyond our ancient prejudices. We can show those communities, who have been wronged, that their tragedies are understood and their experiences are valued.

Today, Canada's South Asian population is over one million strong. Since the Komagata Maru, we have welcomed successive generations of Indo-Canadians to our country. These hard-working men and women are devoted to their families and their communities, and their presence makes our country stronger.

They are an integral part of the Canadian family. Their entrepreneurial spirit means more prosperity for their families and for all Canadians. They are public officeholders at every level of government, having sought and won the support of their fellow Canadians as leaders.

Their values are interwoven with ours, creating a nation that has been more vibrant and welcoming in recent years than at any other time in our history.

We only need to look at the recent tragedy in Fort McMurray to see how the generosity of every Canadian community can lift us all. One of the first to open their doors to the evacuees in Edmonton was the Guru Nanak Sikh Society. I must mention that the members of the Singh Khalsa Sewa Club in Brampton loaded their trucks with supplies and drove for days to reach northern Alberta to help.

(1530)

[Translation]

These examples of dedication, selflessness and community spirit are evidence of the values that we all share as Canadians.

The apology today is an opportunity to reaffirm our commitment to those values.

Hon. Thomas Mulcair (Outremont, NDP):

Mr. Speaker, it is an honour for my colleagues and me to participate in today's official apology for the historic tragedy of the Komagata Maru, an apology that has been much too long in coming.

The leader of the official opposition was absolutely right when she said that the previous government, led by the prime minister of the day, who is now the member for Calgary Heritage, did indeed apologize to the community, which was greatly appreciated.

Today in the House, that act, which I would describe as an act of contrition on behalf of all Canadians for that historic tragedy, is being made official.

Let us call a spade a spade. We all know that racist, exclusionary policies resulted in the Canadian tragedy of the Komagata Maru.

[English]

It is, indeed, important to apologize and it is also important to remember why we apologize. Members may recall, as I do, just a few short years ago when another ship arrived in B.C., the MV Sun Sea, and the reception that it got with haz-mats and protective gear for all the people going onto that ship. That was eventually struck down by the Supreme Court, but it reminds us that it is not just in history that these events take place. Those same attitudes can exist today. That is why we all have to be mindful of our obligation to be fair to people who are in distress coming from other countries, as was the case with those Tamils coming in just a couple of years ago.

New Democrats have been proud to stand with thousands in the South Asian community who have fought tirelessly for this official apology for the Komagata Maru tragedy. My former colleague, Jasbir Sandhu, referenced by the Prime Minister, led the fight for an official apology in Parliament and moved an opposition day motion to that effect. My friend and former colleague, Jinny Sims, who is here with us today, spoke eloquently in the House in favour of an official apology and fought for a more welcoming Canada more broadly.

As has been pointed out, it has been just over 100 years since the Komagata Maru came to shore at the Port of Vancouver. It was a boat full of people, full of families, seeking safety and a better life. They were prevented from disembarking and the ship remained in Burrard Inlet for a full two months. We can imagine the conditions. They were denied basic necessities, like water and food, and those conditions actually worsened, of course.

In the end, all but 20 of those 376 passengers were sent back home to face grave danger. When the Komagata Maru arrived in Calcutta, police fired on passengers and 19 were killed. Many others were imprisoned and, let us be clear once again, it was racism, pure and simple, that put our fellow human beings at such risk.

The continuous journey regulation was a racially motivated one, just like the Chinese head tax, which the previous government, almost immediately after its election, apologized for in this place, and it also did immeasurable harm by

keeping South Asians out of Canada. Mothers, fathers, brothers, and sisters were jailed, and worse, because they were not welcome here in Canada. It was a horrific chapter in the history of a country that has come to recognize diversity and tolerance as great strengths.

(1535)

[Translation]

The story of the Komagata Maru is a Canadian tragedy. People left their homeland in search of a better life with the hope of achieving their dreams here in Canada. They were wrong. Three hundred and sixty-five passengers were sent back to where they came from simply because of their origins. They lived through imprisonment and exploitation, and worse still, 19 of them were shot dead by the authorities on their arrival in India. It was pure racism.

[English]

Today, we finally apologize, but we also stand in solidarity with those who continue to fight for freedom and dignity in India and Canada. We owe it to those who were turned away more than 100 years ago to continue the struggle for justice.

To ensure that this kind of tragedy is never again repeated, we owe it to them to continue building a more welcoming Canada, where diversity is celebrated, where families can reunite with their loved ones, and where the most vulnerable are given refuge, not turned away in their hour of need.

The victims of the Komagata Maru deserve nothing less. Canadians deserve nothing less.

[Translation]

In memory of the victims of the Komagata Maru, it is our duty to prevent such a tragedy from ever happening again. Together we must build a more welcoming Canada where diversity is valued and where no one is left behind in situations of distress.

[Member spoke in Punjabi as follows:]

Waheguru Ji Ka Khalsa, Waheguru Ji Ki Fateh.

The Speaker:

I believe the hon. member for Rivière-du-Nord is seeking the unanimous consent of the House to add his voice. Does he have unanimous consent?

Some hon. members: Agreed.

The Speaker: The hon. member for Rivière-du-Nord.

Mr. Rhéal Fortin (Rivière-du-Nord, BQ):

Mr. Speaker, if there is one thing that Canada and Quebec have in common, it is that they are both welcoming nations populated by warm, curious, and very friendly people. Our respective identities have been shaped by immigration and continue to evolve through the contribution of newcomers.

That is why it is so important that we revisit this dark episode in Canada's history here today.

Three hundred and seventy-six people were turned away when they arrived in British Columbia in 1914 on board the Komagata Maru from Hong Kong. The vast majority of the passengers were Sikh. Those 376 individuals were held

captive on the ship and then sent back across the Pacific Ocean to face their fate, which everyone knew would be grim.

Those 376 people were made to suffer solely because of our ignorance and racism. Their removal was justified by the regulations of the day, which had one simple objective: to turn away any newcomers who came from Asia. As we all know, immigrants from Europe were welcomed with open arms.

History has shown that Canada has not always been known for its openness. The Government of Canada's apology to the Sikh community involves a duty to remember. Each and every one of us has a duty to remember all those who have made Quebec and Canada what they are today.

May this reminder impel us to make room for everyone who will join us in building the future of this country.

(1540)

[English]

The Speaker:

Would the hon. member for Saanich—Gulf Islands also have the unanimous consent of the House to speak?

Some hon members: Agreed.

The Speaker: The hon. member for Saanich—Gulf Islands.

[Translation]

Ms. Elizabeth May (Saanich—Gulf Islands, GP):

Mr. Speaker, I want to thank all my colleagues for giving me this opportunity to add a few words.

[English]

This has been a profoundly moving moment in the House, particularly because we are so honoured to have so many people here in the galleries whose families and lives have been directly touched. Although this was 102 years ago, it was a shameful episode in Canadian history.

To all of them present here, and to all of their families, and to anyone they can reach out to whose lives have been scarred by the knowledge that a country like Canada could turn away hundreds of people on the Komagata Maru, we are not just sorry but we reach out and ask for their personal forgiveness. We ask that they communicate that to everyone in their community.

This will never happen again. We know that because Canada is a changed country, although in 1939 we turned away the MS St. Louis from Halifax harbour. We know that racism, anti-Semitism, indifference, and intolerance have no place in this country.

Many good words have been said. I thank my Prime Minister, the Leader of the Opposition, the leader of the New Democratic Party, and my colleague from the Bloc. They all had strong words, not one of which I would disagree.

However, I want to add thanks as the only leader who happens to be a British Columbian. I want to recognize the contribution of someone who was the first person in political life recently who raised the issue of the scandal. That was the first Indo-Canadian elected as an MLA, Moe Sihota, an NDP member from

British Columbia, who raised this issue and fought for it. He was also minister of environment, which is how I knew him.

I want to add my thanks to him for reminding us that it is never ever too late. We are Canadian, after all, we are good at it. It is never too late to say, "I'm sorry", and we are deeply sorry.

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## Notes

- <sup>1</sup> Five Sikhs arrived on the CPR linear 'Empress of India' on April 1, 1904.
- <sup>2</sup> Robert Jarvis, The '*Komagata Maru*' incident, Citizens for Foreign Aid Reform Inc., Toronto, Canada, 1992.
- <sup>3</sup> *The World*, September 14, 1906.
- <sup>4</sup> He became a Liberal Prime Minister in 1921-26, 1926-1930 and 1935-48 and was appointed 1<sup>st</sup> Deputy Minister of Labour in 1900 and became the Minister of Labour in the Laurier government in 1909.
- <sup>5</sup> See Sessional Paper Number: 74g, 1907-1908, Volume: 42, Issue: 18.
- <sup>6</sup> Initially a head tax of \$50 was imposed in 1885. Then it was increased to \$100 in 1902 and finally \$500 in 1903. The purpose of this tax was to discourage migration of the Chinese to Canada. However, in 1923 Chinese were banned from entry to Canada and this ban stood till 1947.
- <sup>7</sup> A similar agreement was negotiated between the Americans and the Japanese in 1907.
- <sup>8</sup> For more details see See Hugh Johnston, *Voyage of the Komagata Maru: Sikh Challenge to Canada's Colour Bar* (Delhi: Oxford University Press, 1979).
- <sup>9</sup> See Sarjeet Singh Jagpal, *Becoming Canadian: Pioneer Sikhs in their Own Words* (Harbour Publishing, Canada, 1994).
- <sup>10</sup> Prohibition Immigration Artisans and Labourers, B. C. [British Columbia] - Extended to 1914/09/30 -PC1914-0897; Prohibition Immigration into B. C. [British Columbia] labourers etc. ports mentioned PC1914-2455; Prohibition Immigration Artisans and labourers, B. C. [British Columbia] - Extended to 1914/09/30 - PC1914-0897; Prohibition Immigrants other than by continuous journey from native country PC 1914-0023; PC1908-0024; PC1910-0920; Immigrants debarred from landing in Canada unless they are in possession of at least \$25.00, PC1908-0656; PC1908-0027;

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Immigrants debarred from landing in Canada during present winter who have not a certain amount of money PC1908-0028;PC1908-0932; Asiatic immigrants from countries other than those with which special arrangement exists required to have at least \$200 – PC1908/05/07; PC1908-1255, etc.

- 11 Baba Gurdit Singh, 'Voyage of Komagata Maru', Published by the Compiler (Baba Gurdit Singh), First Edition, p. 16, 'There is only one way in which we could vindicate our right of entering Canada and that would be the easiest one viz. To charter a steamship of our own and to fulfil; the provisions of the existing law we would have to make a direct voyage to Canada.'
- 12 He was released when he showed the contract which was signed by him and the shipping company earlier during the day. But the damage was done. Apart from a jolt to his personal integrity many people did not buy a berth on the ship. Gurdit Singh sailed with only 165 instead of 500 passengers. He was able to pick up some passengers from Shanghai (111), Moji (86) and Yokohama (14).
- 13 *Wikipedia* accessed on January 8, 2016.
- 14 In 1924, the ship was renamed Heian Maru. She was wrecked on Cape Soyidmar, Hokkaido, Japan on 11 February 1926.
- 15 Born in Sirhali, Amritsar and was the son of Baba Hukam Singh [see: Jaswant Singh 'Jas': *Baba Gurdit Singh Komagatamaru*, 1983].
- 16 All 376 passengers were Sikhs save 24 Muslims and 12 Hindus. There were 2 women (wife of Sunder Singh and the wife of the ship's doctor Raghunath Singh) and 4 children (Balwant Singh; the 7 year old son of Baba Gurdit Singh son of Raghunath Singh and two children of Sunder Singh).actually one person died and only 375 were on board. There is no mention in the records as to who the parson was, when the body was removed, who performed the last rights, was it cremate/buried (land or sea), who bore the expense, etc.
- 17 The Order-in-Council signed by Prime Minister Wilfrid Laurier and approved by the Governor General Grey stated that '*... immigrants may be prohibited from landing or coming into Canada unless they come from the country of their birth, or citizenship, by a continuous journey and on through tickets purchased before leaving the country of their birth, or citizenship.*'

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- <sup>18</sup> In fact 25 Orders-in-Council were passed in the period 1908-1914 making it more and more difficult for Indians to enter Canada.
- <sup>19</sup> The fifteen members were: Bhag Singh Bhikhiwind, Husain Rahim, Mit Singh Pandori, Sohan Lal Aulakh, Buttan Singh Kahri, Mohammad Akbar Sikriwal, Balwant Singh Khurdpuri, Kartar Singh Nawachand, Battan Singh, Munsha Singh, Rajah Singh Barian Kalan, Umrao Singh and three others.
- <sup>20</sup> One person alone donated \$2,000 at the meeting and another man donated \$1,000.
- <sup>21</sup> The Rainbow had the following armament: 2 × QF 6 in (152 mm) guns, 6 × QF 4.7 in (119 mm) guns, 8 × QF 6-pounder (47 mm) guns and 4 × 14 in 360 mm) torpedo tubes.
- <sup>22</sup> Harjit Singh Sajjan (born 1970) the current Defence Minister of Canada; referred to by Prime Minister Trudeau (see above) in his apology speech joined British Columbia Regiment (Duke of Connaught's Own) in 1989 as a trooper and was commissioned in 1991. He eventually rose to the rank of lieutenant-colonel. When he was taken into cabinet he had to resign his commission.
- <sup>23</sup> The Prime Minister said that 376 passengers were 'rejected'. In fact 24 were landed and only 352 were sent back.
- <sup>24</sup> Dawson, Fabian, *The Gazette*, Montreal, July 4, 2010, p.A6. 'Now, an 11-member team of Sikh scholars and legal experts in Punjab has been entrusted with the task of "researching and studying" the subject so the state government can initiate legal and diplomatic proceedings to get back the amount, which is believed to have swelled to \$143 million, *The Hindustan Times* reported'.
- <sup>25</sup> The Prime Minister wrongly stated that nineteen were killed. The total number killed was 20. Additionally, there were six other casualties: 2 Europeans, 2 Punjab policemen and 2 Indian civilians. Further 62 had boarded the train for the Punjab, 28 fled and the rest 211 were arrested.
- <sup>26</sup> The lawyer Cassidy was the third choice.
- <sup>27</sup> Hugh Johnston, 'The voyage of the *Komagata Maru*', UBC Press, 1979.

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- <sup>28</sup> Admittedly, the Shore Committee had agreed to one Appeal only. However, the passengers could not be held to that deal as it was reached without any consultation with them.
- <sup>29</sup> Many writers have falsely stated otherwise.
- <sup>30</sup> Renis Mawani, “Criminal Accusation as Colonial Rule – The Case of Gurdit Singh (1859-1954)”, in the book: *Accusation: Creating Criminals*, Publisher: University of British Columbia Press, 2016, Editors: George Pavlich and Matthew Unger, [Chapter 3].
- <sup>31</sup> The \$300 million compensation package included \$21,000 for each of the 13,000 survivors, \$12 million for a Japanese community fund, and \$24 million to create a Canadian race relations foundation, to ensure such discrimination never happens again.
- <sup>32</sup> U.S. President Ronald Reagan signs into law the Civil Liberties Act of 1988. The Act apologizes on behalf of the people of the U.S. for the internment of Japanese Americans during the World War II. The Act also authorizes \$1.2 billion for payments of \$20,000 to each of the roughly 60,000 internees still alive and for the establishment of a \$50 million foundation to promote the cultural and historical concerns of Japanese Americans. The Act also includes the Aleut Restitution Act, formally apologizing for forcibly evacuating Aleutian Islanders after a series of Japanese attacks in World War and interning the evacuees in south-eastern Alaska, where many of them died. The U.S. also pays compensation of \$12,000 to each of the few hundred survivors.
- <sup>33</sup> Other apologies had been made in Canada; for instance: The United Church of Canada officially apologizes to Canada’s native peoples for past wrongs inflicted by the Church on August 17, 1986.
- <sup>34</sup> According to Dodds the first National apology was offered in 1077 - Holy Roman Emperor Henry IV apologizes to Pope Gregory VII for church-state conflicts by standing barefoot in the snow for three days.
- <sup>35</sup> See List of Political Apologies; Created and maintained by Prof. Graham G. Dodds, Dept. of Political Science, Concordia University, Montreal, Quebec, Canada, April 19, 2016.
- <sup>36</sup> The Khalsa Diwan Society had hung a portrait of Mewa Singh in the Gurdwara Langar Hall.
- <sup>37</sup> *Dedicated to the memory of the 376 passengers (340 Sikhs, 24 Muslims, 12 Hindus) who arrived at Burrard Inlet, Vancouver on May*

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23, 1914, from the Indian sub-continent on the ship Komagata Maru (Guru Nanak Jahaz). Due to the racist immigration policy of the Dominion of Canada, they were forced to leave on July 23, 1914. Khalsa Diwan Society, Vancouver, pays respect to those passengers by commemorating the reprehensible incident.

38 No plaque in Canada has the name of Gurdit Singh in its text.

39 In 2001: March 2, March 27, June 1 and October 23.

40 Other parliamentarians who articulated the demand for an apology include Jasbir Sandhu, Sukh Dhaliwal, Ruby Dalla, Alain Giguère and some others.

41 The Motion brought by Ruby Dalla on April 2, 1988 was: *That, in the opinion of the House, the government should officially apologize to the Indo-Canadian community and to the individuals impacted in the 1914 Komagata Maru incident, in which passengers were prevented from landing in Canada.*

42 Motion 62: *Be it resolved that this Legislature apologizes for the events of May 23, 1914, when 376 passengers of the Komagata Maru, stationed off Vancouver harbour, were denied entry by Canada. The House deeply regrets that the passengers, who sought refuge in our country and our province, were turned away without benefit of the fair and impartial treatment befitting a society where people of all cultures are welcomed and accepted.* [Passed on May 23, 2008 in Victoria, British Columbia].

43 Part of the speech given by Gurcharan Singh, Ottawa, Ontario.

44 The 8 identified categories are: state apology, community-focused apologies, political apologies, reconciliation apologies, many-to-many apologies, historical apologies, public apologies and collective apologies.

45 See: National Apologies, Paper by E Sanz, edited by J. Tomlinson, The Centre for Peace and Conflict Studies, n.d.

46 Weiszacker, R. Von. (1985) Speech in the Bundestag on May 8, 1985 marking the ceremony to commemorate the 40<sup>th</sup> Anniversary of the End of the war in Europe.

47 As a matter of interest, the Indian Prime Minister Nehru on August 18, 1955, offered a political apology by expressing regret to foreign

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missions and consulates in New Delhi when they were attacked by Indian demonstrators and offered to pay compensation for damage [This cannot be accepted as an apology because it expressed 'regret' and not a 'sorrow']. Further it does not meet any criterion of a national apology.

48 This segment was not identified as a separate segment because it was presumed to be inclusive of community.

49 Sanz, p. 36.

50 *Toronto Star*, October 18, 1992.

51 Ibid., Dodds.

52 It won Willy Brandt the Nobel Peace Prize in 1972.

53 There was some interaction with the Thind Group.

54 See: Historical Injustice and Reparation: Justifying Claims of Descendants, *Ethics*, 112 (October 2001): pp. 114-135.

55 I am not implying that the descendants are never qualified to receive any apology but only in this particular case.

56 Founded in 1995 with the *mela* as its sole activity.

57 The British government extended an apology to Kenya for the atrocities committed in the Mau Uprising together with a monetary package.