

CHAPTER 1: INHERITANCE

*How dull it is to pause, to make an end
To rust unburnish'd, not to shine in use.*

Alfred Lord Tennyson, *Ulysses*

Jai Ram Reddy was born at Lautoka Hospital on 12 May 1937, the eldest child of Pethi and Yenkattama Reddy. The place of birth was unusual for those days when most children were born at home. So, too, was the mode of birth: caesarean. There was celebration in the Reddy household for the first born, a son, a celebration made all the more poignant because of the death of an earlier child, a girl, either during childbirth or early infancy. Pregnancy could be precarious even at the best of times, and infant mortality, while declining, still tore at the heart of many a family in rural Fiji. Old timers were on hand to advise on the proper rituals and cultural protocols to follow to avert another potential tragedy. So Jai Ram was symbolically handed over to another lady immediately after he was born for adoption as her own son, thereby hopefully breaking the chain of evil luck which had brought down the earlier child. It is an old Indian custom familiar to me, but it has now vanished beyond recall. The ritual worked; Jai Ram survived, and four other children followed: three boys and one girl. They now live in Fiji and in the Indo-Fijian diaspora in Australia and New Zealand, while some of the younger generation has moved across the Pacific to North America. In this respect, the Reddy family's history of dispersal replicates the broader experience of the contemporary Indo-Fijian community.

The day Jai Ram was born also happened to be a public holiday. The Colony of Fiji was celebrating the coronation of King George VI. The *Fiji Times* carried long, adulatory columns, proclaiming the new mon-

arch 'Fully Equipped for Task,' possessed of 'Amazing Industry,' and his consort, Elizabeth, having 'Sincere Love of an Empire,' with 'Capacity for Thoroughness' and 'Charm Unspoiled by Greatness.' The syrupy tone was unsurprising. This was the high noon of the British Empire, unequalled in power and wealth and prestige in entire human history, and Fiji was among the most loyal and dutiful of Queen Victoria's far-flung colonies. Red patches on school atlases proudly proclaimed vast stretches across the globe under the undisputed authority of Pax Britannica, and school children were taught to accept this accomplished fact with open pride: an empire upon which the sun never set (which led our sometimes eccentric primary school teacher, Mr Austin Sitaram, to quip that the sun never set because God could not trust Englishmen in the dark!) Within a decade the mighty juggernaut that was the British Empire would begin to disintegrate, with India leading the mutiny in 1947, followed shortly afterwards by colonies in South and Southeast Asia and those on the African continent. The United Kingdom was truly on its way out as a great imperial power as Harold MacMillan's 'Winds of Change' reached the shores of the Pacific islands in the early 1960s. A world which once seemed so impregnable and powerful, unshakeable in its foundations and unfathomable in its reach, came to an end as Jai Ram Reddy and children of his generation, who had grown up on Reed Brett's *British History, 1783–1936*, came of age.

The *Fiji Times* of 14 May carried another contributed column, a farewell address to Mr CE Elliot of the Colonial Sugar Refining Company from members of the Sangam cane growers of Rarawai, Ba.¹ The growers expressed 'regret' at Mr Elliot's departure. 'During your supervision of our industry on behalf of your Company we have at all times received the greatest kindness and consideration at your hands and we trust that your successor will by his diligence and integrity endear himself to us in the same manner as you have.' The growers, it seems, were particularly grateful for Mr Elliott's interest in Sangam's educational efforts. 'Your interest in the Sangam's School will always be remembered with gratification for your assistance,' they said. This was not idle grovelling. Surprising as it may seem,

the CSR was strangely generous in its concern about education, especially when it would have made economic sense for it to keep the children of cane growers illiterate and under its thumb. The Company provided its own freehold land as well as much practical assistance to establish many community-based primary schools for Indian children in the sugar cane belt of Fiji. Just as it was for the colonial government, so too was the 1930s the high noon of CSR's power and influence in Fiji. Over the next two decades, its once iron-clad hold over the cane growers would be challenged and eventually dismantled. As a child growing up in the heartland of the cane growing country, Reddy had a ringside seat as the great dismantling unfolded. One of his uncles, Sesha Reddy, was among the growers' leaders who fought against the CSR in 1943.

The late 1930s were a watershed period in Fiji's political evolution.² Colonial power was then at its peak. There was only sporadic and largely ineffectual questioning of the values and assumptions which underpinned the colonial order. Some of it came from such Fijians as the rebel Apolosi Nawai, a self-proclaimed messiah of ordinary Fijians, against Fijian chiefs and the colonial order they supported. Some came from Indian politicians after the end of indenture in 1920, demanding equal representation in the colonial legislature with the Europeans. The pressures were successfully resisted. Fiji was a colonial backwater in a remote corner of the world and untouched by the currents of political thought swirling in other oceans. Communication was sparse and its people lived in self-contained, segregated, communities. Fiji, the comforting colonial metaphor went, was a three-legged stool upon which the three principal communities, Fijians, Indo-Fijians and Europeans, made their own separate and unique contributions. This was pure myth making. There was no necessary balance between European capital and Indian labour, for example; and the moral authority and legitimacy of the colonial order was not universally accepted but was always contested to varying degrees by different groups. Nonetheless, the myth prevailed. It provided the justification for an unequal, racially-ordered society.

The years following the Second World War, in whose shadow people of Jai Ram Reddy's generation came of age, were a time of profound social, economic and political change in Fiji. The increasing population put pressure on land and the natural resources of the colony.³ The resulting resistance these provoked among the Fijian owners created tension that often derailed the prospects of amicable political dialogue among the leaders of the different ethnic communities. The inequitable racially compartmentalized world of political representation in the colonial legislature was challenged by various ethnic groups, but mostly by Indo-Fijian leaders, and found wanting. The demand for change grew and slowly gathered pace with time. Growing up, Reddy witnessed a fundamental transformation in modern Fiji society and politics, whose cruel legacies he would inherit when he entered politics a few years after Fiji became independent in 1970. We shall examine in detail the political changes leading up to independence in the second half of this chapter, and the legacy they bequeathed to Fiji's post-independence leaders, but we begin first with Jai Ram Reddy's background.

ROOTS AND ROUTES

Jai Ram Reddy's grandparents came from India as indentured labourers. They were of South Indian ancestry. His paternal grandfather, Byanna Reddy, came aboard the *Elbe III* in 1903 from the Cuddapah district, then in the Madras Presidency but now in the province of Andhra Pradesh. He was a Kamma, descended from the warrior caste, the *kshatriyas*, as they are known in other parts of the Indian subcontinent. Jai Ram's maternal grandfather, Iyyappa Reddy, also journeyed on the same ship bringing the first full consignment of indentured labourers from South India. He was from the district of North Arcot of the Reddi caste. From 1903 through to the final shipment of indentured labourers arriving in 1916, over 15,000 South Indians had gone there. North Arcot was, by far, the largest supplier of South Indian indentured labour, and Cuddapah among the smallest.

The other major suppliers were Madras District, Vizagapatnam, Godavari, Nellore, Kistna, Salem, Coimbatore, Malabar and Tanjore.

However, South India was not a major recruiting ground for more widespread Indian indentured labour, except for Natal where it was the major supplier (some 160,000) between 1860 and 1911. Some British West Indian sugar colonies discouraged the recruitment of South Indians because they were said to be 'moody' and 'prone to suicide.' This was certainly so in Fiji where a disproportionate number of South Indians took their own lives on the plantations for reasons ranging from an inhumane pressure of work to stress emanating from the cultural dislocation and neglect suffered by a minority community.⁴ The majority of the South Indians were recruited under the 'Kangani' system of family or village supervised migration to Malaya, Ceylon and Burma. Emigration to these Southeast Asian destinations was, by and large, of short duration, while emigrants to the more distant colonies tended to settle permanently, although not always or everywhere. The *Fiji Census Report* of 1931 reported that 'family repatriation is commonest with the Madrasi, who is reported to retain longest his connection with his home country and ancestral lands.'⁵ Perhaps this was also a reflection of their marginal, unsettled condition in Fiji.

Fiji began recruiting in the South when sources in North India started to dry up. Indian indentured emigration was initiated to provide cheap labour for work on the sugar plantations of the colony. The majority of the indentured recruits in the latter half of the 19th century were from the impoverished regions of the great Indo-Gangetic plains, especially the eastern districts of what is now the province of Uttar Pradesh: Basti, Gorakhpur, Gonda, Faizabad, Azamgarh, and Bahraich. The first shipment arrived aboard the *Leonidas* in May 1879 and the last on *Sutlej V* in 1916.⁶ By then, some 60,000 Indian indentured labourers had gone to Fiji from the sub-continent. All did so on a five year contract or agreement — hence *girmit* — which specified the conditions of the employment, the remuneration for service rendered, the medical and accommodation facilities on the plantations. Above all, the Agreement provided for a return passage back to India

at the labourer's own expense after five years, and free after ten years of 'industrial residence' in the colony. In the end, only about 24,000 individuals returned. The majority decided to make their permanent homes in Fiji, and never again saw India even though their motherland remained their main cultural reference point and their spiritual and emotional sanctuary until the very end. Most settled in the cane belts of Viti Levu and Vanua Levu.

Jai Ram Reddy grew up, like so many of his peers, with stories about the indenture experience. The memory of humiliation was fresh in the minds of the older folk, and many *girmitiyas* were still around to tell their stories of pain and suffering. Indenture, Reddy recalls being told, was a 'horrendous experience,' for those who lived under it, resulting in the 'degradation of man, woman and child.'⁷ His uncle Krishna Reddy, who lived well into his eighties, told stories that had a deep impact on the young Jai Ram. In his own words: 'One of the stories that he used to tell us was how he, as a little boy, would wait for his mother to come back from the fields after a day's work into the lines, how he used to say that she was so tired at the end of the day that she would not be able to identify the particular unit or cubicle in which she lived so that she would have to be guided by this little Krishna Reddy into the correct room. We heard stories about how women were also indentured and went out in the fields at five in the morning and worked throughout the day till late in the evening until they finished their task, how sometimes they would give birth in the fields, often unaided and unassisted. We heard about the degraded conditions that existed in the labour lines, of meagre incomes, of insufficient rations. Above all, of course, was the humiliation, insults and violence the indentured workers were subjected to.'

This moving rendition of the indenture experience is common enough, and forms an enduring part of the Indo-Fijian folklore and cultural ideology: the violence, the exploitation, the broken families, the back-breaking work in the fields, the overseers' whips, the diseases (diarrhoea and dysentery in particular) which killed people in the hundreds, the heartbreaking infant mortality rates, the collapse of social and moral values and struc-

INHERITANCE

Order No. 101 Date No. 2/17/1908 Madras 2/18/1908

MAN'S EMIGRATION PASS.

For Ship *Elbe* proceeding to Fiji

Name *Iyappa Reddy*
 Father's Name *Varada Reddy*
 Age *17* years
 Caste *Reddy*
 Height *5* feet *6* inches
 Name of next-of-kin *Varada Reddy*
 If married, to whom
 District *A. Arcot*
 Taluk *Mandavali*
 Village *Perraduffam*
 Bodily marks *A scar on left shoulder made by bullet wound left leg*
 Occupation in India *Cultivator*
 Chest measurement *32 1/2"*

Certified that we have examined and passed the above-named man as fit to emigrate; that he is free from all bodily and mental disease; and that he has been vaccinated since engaging to emigrate.

Certified that the man above described has appeared before me and has been engaged by me on behalf of the Government of Fiji as willing to proceed to that country to work for him, and that I have explained to him all matters concerning his engagement and duties.

Permitted to proceed as in & to state of health to undertake the voyage to Fiji.



Iyappa Reddy, Jai Ram's maternal grandfather, a progressive social worker, one of the founders of Louva Sangam Primary. Below: Byanna Reddy, his paternal grandfather. Photo courtesy of Janardan Reddy.

Order No. 333 Date No. 2/22/1908 Madras 2/22/1908

MAN'S EMIGRATION PASS.

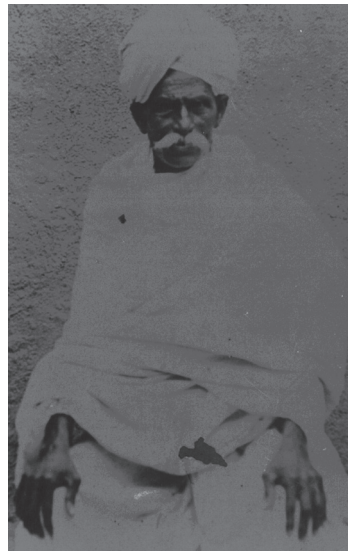
For Ship *Elbe* proceeding to Fiji

Name *Byanna*
 Father's Name *Kandiah*
 Age *15 1/2* years
 Caste *Kamma*
 Height *5* feet *6* inches
 Name of next-of-kin *Siddiah (Widow Brother)*
 If married, to whom
 District *Buddapah*
 Taluk *Makhamajali*
 Village *Kalicharla*
 Bodily marks *a small scar on right knee, Scar on left knee*
 Occupation in India *Labourer*
 Chest measurement *30 1/2"*

Certified that we have examined and passed the above-named man as fit to emigrate; that he is free from all bodily and mental disease; and that he has been vaccinated since engaging to emigrate.

Certified that the man above described has appeared before me and has been engaged by me on behalf of the Government of Fiji as willing to proceed to that country to work for him, and that I have explained to him all matters concerning his engagement and duties.

Permitted to proceed as in & to state of health to undertake the voyage to Fiji.



tures in the confined quarters of the labour lines, the overwhelming sense of hopelessness and despair, of being trapped and terrorized and unable to escape. All this is, of course, true to varying degrees.⁸ Nonetheless, it is important to remember that indenture in Fiji was not a life sentence (as it was in some of the older colonies, such as British Guiana, where indentured labourers depended on the plantations for generations), but a limited detention of specified duration.

After five, or at the most ten years, people became free, settled on land near the sugar mills, established new homesteads, raised families, built communities, and simply got on with life. If indenture was the site of fragmentation, it was also simultaneously the site of reconstitution, as old values and practices were discarded (the caste system, for instance, or rituals and protocols of hierarchy and social distance that so defined traditional Indian society) and new ones adopted that emphasized individual initiative and enterprise and, in an important sense, the common humanity of the people. The rupture with the past was neither permanent nor complete; there were continuous linkages and seepages across the line throughout. In truth, the passing of the old order was not always mourned either. To those who had no hope of redemption in this life, or the next, or the one after, because that is the way the gods had ordained their fate, Fiji offered a fresh, unencumbered start, and they gladly accepted the new opportunities with both hands. There was the memory of pain, to be sure, but there was gain also in the form of social emancipation and the creation of a more egalitarian social and moral order.

The Reddis and the Kammas (which means an ear ornament) were prominent and proud cultivators in Southern India, and many were village leaders in their communities as well. The *Madras Census Report of 1901* describes the Kammas, Kapus or Reddis, Velamas and Telagas as descendants from the same stock, originating in a distant past from the warrior caste.⁹ Legend has it that they had been banished to remote parts of the country by a king of the family of Parikshat because one of them had pronounced him to be a bastard! Many well-to-do families in Southern India, I have

been told, come from among their members. People in Cuddapah and North Arcot will not hesitate to regale a visitor with the great and glorious achievements of these two communities. They will tell him about Sir Venkata Reddy Nayudu, for example, a leading member of the Kamma community, who was elected to the first and second Legislative Council of Madras in the early part of the 20th century and who later served as India's Agent General in South Africa. Or about Sanjiva Reddy, the President of India from 1977–1982.

Everyone remarks upon the toughness and resourcefulness of the Kammas and the Reddis and their readiness, even eagerness, to take on a fight if a cause has to be defended, or if family honour is at stake. 'They are as a rule fine, well-built class of cultivators, very proud and exclusive,' wrote Rev. J Cain of the Kammas in 1879. HA Stuart thought them 'most industrious and intelligent cultivators,' and they were 'without peers.'¹⁰ Several well known proverbs in South India attest to the Kammas' industry and independence. *Kamma vani chetulu kattina nilavadu* (though you tie a Kamma's hands, he will not remain quiet); *Kamma vandlu cherite kadama jatula vellunu* (if Kammas come in, other castes go out); *Kamma variki bhumu bhayapadu tunnadi* (the earth fears the Kammas). In old days, and even now, lines on the ground are readily drawn. Personal honour counts for a lot, and no affront were easily forgotten or forgiven. Memories run deep. Fear is an emotion despised by everyone, even the poorest of the poor. Even today, in rural parts of Cuddapah, a hard, rough, unforgiving country, singled by the Telangana peasant rebellion of the late 1950s (as portrayed in the great Shyam Benegal film *Nishant*) the Reddis and the Kammas are feared as landlords for their 'overbearing manner,' as one person told me. Jai Ram Reddy, then, comes from a proud and independent background, from a stock unwilling to bow to any man, and born to lead. Still, however 'respectable' a background they came from, in Fiji, all Indian indentured labourers were simply 'coolies,' units of labour to be exploited for maximum profit by the planters. It was the denial of the humanity of the individual men and women, the wilful negation of their cultural identity by those in

authority, whether colonial officials or CSR overseers, which was perhaps the most heartless aspect of the indenture system.

While this was so for all indentured labourers, the situation of the South Indians was especially difficult. As late comers to Fiji, they were sent to remote and isolated areas to serve their indenture, away from fellow South Indians and *Jahajibhais*, people who had come on the same ship. Separating people from the same ship or region was a strategy the CSR employed to prevent 'ganging up' among the labourers. The South Indians lived and worked among North Indians whose culture and language they did not understand, but which they nevertheless had to learn as best they could in order to survive and to negotiate their way around in the new environment. They bore the full brunt of North Indian (Aryan) cultural prejudices about the darker skinned South Indians (Dravidian). Their languages, customs and mannerisms were cruelly mocked and mimicked. Tamil and Telugu, some people said, sounded like stones rattling around in a *lota*, brass pot. They were called *Khatta Pani*, the eaters of sour (inferior) food, generally a people belonging to a lower, unsophisticated, social order.¹¹ They remained for the most part on the outer, uninviting fringes of community functions and festivities in areas where they were a minority. It is no wonder then that South Indians on the plantations committed suicide in proportionately larger numbers at the turn of the 20th century than any other group.

The dominant Indo-Fijian cultural tradition that emerged from the crucible of the plantation system in Fiji was essentially North Indian in character, to which all the minority communities had perforce to subscribe. Hindi, or more accurately Hindustani, had to be learned because after the end of indenture in 1920, it was adopted as the official lingua franca of the Indo-Fijian community and the official language of communication within it. Some recall a time in the 1940s when South Indian children were refused admission to some Indo-Fijian primary schools because their Hindi was poor, which, as it was an examinable subject, might somehow lead to a lowering of standards. It is also likely that many of these schools were community-run, and preference was therefore given to those who had

contributed to their establishment in the first instance. Reddy himself went to Lovu Sangam, started in response to the difficulty South Indian children encountered in getting admission to Drasa Indian School (though he was not among them). Iyyapa Reddy was one of the founders of the school. From Lovu, Jai Ram was sent as a boarder to Penang Sangam, where his headmaster uncle was transferred; staying with teachers was somehow felt to improve a pupil's chance of success in exams. That may have been so, but his Penang years were deeply unhappy ones for Jai Ram; he desperately missed his parents and his aunts, and the various comforts of affection that the first-borns automatically enjoy. He has bad memories of Penang even now. Once or twice he tried to escape, only to be returned and told to study hard. Jai Ram did not.

SANGAM AND THE SADHUS

Characteristic of the irrepressible Indo-Fijian spirit, the South Indians did not despair. In 1926 they formed an umbrella organization for the entire South Indian community called the Then India Sanmarga Ikya Sangam.¹² Its purpose originally was not religious in the narrow sense but cultural, to unite under one banner South Indians of all creeds and castes. Its flag featured the symbols of all the three major faiths, Hinduism, Islam and Christianity: the Hindu *Trishul*, the Muslim half *Crescent* of the moon and the Christian *Cross*. One of the early presidents of Sangam, I am told, was a Muslim, a Koya. But the broad, inclusive base did not endure. In time, as the Indo-Fijian community set down its root and groups within it began to define their own unique cultural identity, Sangam came to be identified with the followers of Hinduism, and temples and fire walking became inextricably linked with it. In time, religion, not culture, became the primary marker of identity in the Indo-Fijian community. And so it remains today.

The leading spirit behind the formation of Sangam was Sadhu Kuppusamy, described by AD Patel as 'the greatest Indian in the history of Fiji.' This was no mean assessment from the great Indian leader, who was himself deserving of that accolade. The Sadhu was born in Konoor,

Madras, in 1890 and came to Fiji as an indentured labourer in February 1912. He completed his indenture at Yaladro, Tavua, after which he settled at Rakiraki, initially as a two-horse ploughman for the Melbourne Trust Company and a part-time teacher of Tamil and Telugu to children from the home of TAJ Pillay. Kuppuswamy, 'this humble man clad in a dhoti, of no worldly possession, armed with his abiding faith in the Almighty God, committed to serving his fellow human beings,' as Reddy recalled, was unlettered in English but was proficient in both Tamil and Telugu and had deep knowledge of the Hindu scriptures. 'He knew religion,' Reddy has said. 'He understood the spirit of religion' and 'the meaning of the dignity of man.'

The Sadhu came to realize quickly that the greatest need of his people was social and cultural betterment. Education was key and to that end he devoted all his energies. But he conceived of education in the broadest sense. The preservation of language and culture were central to his project. 'If you want to kill a people, kill their culture, kill their language,' he said. 'I would rather die,' he continued, 'than to see my culture and language killed.' He promoted the teaching of Tamil, Telugu, and Malayalam in Sangam temples and schools. These schools began with nothing but the willingness of parents to sacrifice for the education of their children. They clearly saw education as the only way out of the poverty and predicaments which had so blighted their own lives. 'Some [parents] would contribute a half a dozen sheets of iron — that was the contribution of one family,' Reddy has recalled. 'Some would contribute a few pieces of timber. Some would contribute a few shillings; others would contribute their labour. In this way, small schools over Fiji started.' Sadhu Kuppuswamy's example of sacrifice and service impressed Reddy deeply. 'He had a message of hope and he was very effective in taking that message to the masses of people and drawing out of them some of the noblest qualities that are latent in all of us.'

For all his efforts and initiatives, the Sadhu realized that he needed more assistance, greater expertise in the fields of Indian religion and culture. With the help of AD Patel, he wrote to the Ramakrishna Mission in Madras

for help. The result was the arrival, in 1937, of Swami Avinasananda, a tall, bearded man, learned in the South Indian languages and cultures and proficient in English. He was also a professor of Sanskrit and former principal of the Surat National College. With Patel he toured all the major centres of South Indian settlement in Viti Levu, impressing upon the people 'the need for welding the Sangam into a well-united centralized organization under the care and guidance of the Ramakrishna Mission.' He asked Patel to become the general manager of Sangam, which he did, besides acting as the manager of its several schools for many years. The Swami struck up an unexpectedly close rapport with the then governor of Fiji, Sir Arthur Richards, and later Lord Milverton, one of the more enlightened governors of colonial Fiji.¹³ The colonial officials were impressed with the Swami's erudition and determination. Among other things, he extracted from the Governor the promise of assistance for schools, which Richards readily gave. Richards also promised to make Nadi the cultural centre of the South Indian community in Fiji, but he left the colony soon afterwards. The war intervened and Swami Avinasananda left Fiji in February 1938, but not before he had enlisted Patel's help to formally register the Sangam as a limited liability company without the words limited in the title.

Upon returning to India, Swami Avinasananda sent Swami Rudrananda, a Ramakrishna Mission monk, to Fiji. He arrived in Fiji in 1939 and remained there till the end.¹⁴ The Swami was a man Reddy admired greatly. He was among his great mentors, along with AD Patel. Based in Nadi, Rudrananda, the man of the saffron cloth, devoted his entire life to the welfare of the people, especially the sugar cane growers of Fiji. He was the growers' representative on the Sugar Board and a senior advisor to Lord Denning who conducted an enquiry into the sugar industry in 1969. 'Don't talk religion to a man with an empty stomach,' was one of his favourite sayings as he toured the cane country of Viti Levu. Rudrananda feared no one, treating everyone alike and not sparing anyone, including prime ministers, as Daryl Tarte recalls, if they crossed his path or disregarded his advice.¹⁵ His high-pitched voice and the wagging finger were much feared

by the mighty and the minions alike. It was Rudrananda's spirit of fearlessness and public service that Reddy spoke of, often in awe and with complete respect.

Swami Rudrananda, like Sadhu Kuppuswamy, quickly realized the importance of education in its broadest sense for the Indian community in Fiji which was then scattered, largely illiterate and barely conversant with its own cultures and traditions. The Ramakrishna Mission in Nadi organized a mobile library service, the *Gyana Rath*. Gathering on Sundays, Swamiji, AD Patel, Pandit Ram Oudh Sharma, HM Lodhia and others held discourses on the *Gita*. In August 1948, the Mission started the Sarada Sangam Press which published several newspapers: the *Sangam* in Tamil, *Jagriti* in Hindi, *Vakalelewa ni Pasifika* in Fijian and, perhaps the most important of them all, *The Pacific Review* which, at the time of its publication, would have had to be the finest, most literate weekly in the entire Pacific, possibly even in Australia and New Zealand. The early issues are a gem to read even now. Their intellectual and literary span was remarkable, with beautifully written articles on literature, philosophy and the great ideas of mankind. The 1950s and the early 1960s were the heyday of cultural renaissance in the Indo-Fijian community, and Swamiji and AD Patel were heading it in the cane belts of Fiji. They were well ahead of their times.

In 1951, Swami Rudrananda tried to amalgamate the Sangam and the Ramakrishna Mission into a single organization. Sadhu Kuppuswamy supported Rudrananda's vision, but many in the Sangam community were outraged. The Sangam's assets were being used for purposes other than for which they had been accumulated. What was the need for a printing press when there were so many other pressing problems facing the community, they asked? Was this a ploy by AD Patel to consolidate his political base? And why should Sangam alone bear the burden for the entire Indian community when other Indian cultural organizations were ploughing their own narrow burrows? Funds collected for and by Sangam should be used first and foremost for the purposes of the organization, the opponents said. '*Hadap lihis*,' some people said of Swamiji's actions. 'He

has snatched it all away from us.’¹⁶ A court case halted the transfer, and an agreement was reached whereby the Sri Vivekananda High School was transferred to the Ramakrishna Mission and Sangam was allowed to run its own schools separately. Swami Rudrananda’s attempted amalgamation efforts split the South Indian community bitterly, right down the middle, and soured relations for decades. Echoes of those distant disputes are still faintly audible in conversation with the passing generation. And a separate Andhra Sangam today is a visible reminder of the old divisions now fading with the passage of time and the passing of the pioneers. Many who disagreed with the Swami would be among those who would join the Alliance in later years: Krishna Subba Reddy, then a school teacher, who instituted the court case, would be an Alliance parliamentarian, and Manikam Pillay its Attorney General.

Swami Rudrananda’s actions may well have been ill-advised and premature. The Indo-Fijian community was culturally fractured; parochial passions ran deep; and there was no overarching sense of a larger identity with common, enduring interests. But there was no malice or greed in Swamiji’s thoughts. Consolidation made perfect sense, and that, as far as he was concerned, was that. There was no reason for debate or discussion, which led some to call him a ‘dictator.’ Once his mind was made up, Swamiji brooked no dissent. What Jai Ram Reddy said of Sadhu Kuppaswamy was equally true of Swami Rudrananda. ‘He was not a parochial man. He may have been the founder of Sangam but his vision for the country and the people was much wider, much larger.’ As for Patel using the Sangam to further his own political agenda, Reddy responds sharply: ‘What was his political agenda? Was it not also the agenda of the Indian community? He was fighting for the broader interests of the people, not for any one section of it.’

Like Swami Rudrananda, Jai Ram Reddy’s overarching vision transcended the cultural boundaries of his own community and its narrow, inward-looking concerns. On that even his fiercest opponents agree: he is not a culturally narrow-minded man. His circle of friends is eclectic. His

wife is a North Indian. He is a Hindu in the broad spiritual and not ritual-observing, temple-going sense. Reddy is both proud of his South Indian heritage and comfortable with it, but he is not imprisoned by it as some others are, unwilling and unable to forget or forgive past cultural insults and slights, bearing grudges. As a child, Reddy learnt Telugu and spoke it fluently until he attended primary school, but that is now almost gone. The same is true of speakers of other minority languages for whom 'Fiji Hindi' is the mother tongue. And in one of those delicious ironies, Reddy, who spoke only Telugu as a child, emerged as the finest Hindi orator of his generation.

EDUCATION AND FAMILY

The Sri Vivekananda High School (now College) in Nadi opened in 1949. The opening of that school was an event of singular importance in the social and cultural history of the Indo-Fijian community. It was nothing less than a revolutionary act of defiance of colonial authority. SVH was the first non-Christian, non-government secondary school in Fiji, opening the way for many others in later years. The colonial Education Department raised objections about finance, the quality of instruction and employment opportunities for the school leavers. But AD Patel ('The Father of the School,' as MR Balaganapathy, the principal, recalled), Swami Rudrananda and Sadhu Kuppaswamy (and one Mr Ridley),¹⁷ the principal founders of the school, pressed on, convinced that their vision was right and that there was great need for higher education among Indo-Fijians. Nothing would stop this determined group from pursuing their goal to liberate their people from the mental bondage of colonial rule, as they put it. Jai Ram Reddy was one of the earliest batch of students to attend SVH. 'When I was ready to go to secondary school,' he has recalled, 'there were no secondary schools which would accept people like me. I came from a farming background, and it was not easy for people like me to enter a secondary school, a government secondary school, for Indians at the time.'¹⁸ 'Had it not been for that school [SVH],' he asks, 'what would have become of people like me and many hun-

dreds of thousands of other people from rural parts of Fiji? Where would we be and where would our children be?' Where indeed! Sri Vivekananda College remains one of Fiji's premier secondary schools.

For all his other strengths, Jai Ram Reddy was an indifferent, perhaps even a mildly rebellious, student. His mind at school was not fully focused on learning. His performance in exams was erratic: at the top of the class one year, somewhere in the middle heading towards the bottom the next. Unthinkable now because of the universal esteem in which he is held, he was at school a prankster, an irrepressible character full of youthful mischief, sneaking out at night to steal fruit from neighbouring farms, cutting down mosquito nets. For his many continuing acts of errant, unrepentant behaviour, he was expelled from the school hostel, finding lodging at the home of Shaukat Ali Saheb, a family friend and a fellow Telugu, from Lautoka. Reddy passed his Fiji Junior exam, but his overall performance was uneven. He was good in History and English, but Mathematics floored him completely, to the great puzzlement of Master PND Moosad, the senior teacher in many subjects, who was otherwise impressed with Jai Ram. For his inconsistent academic record, the school decided to defer his sitting the Senior Cambridge exam by a year, which disappointed him greatly. He therefore left SVH and in 1954 joined the DAV College in Suva.

Suva had its own distractions, principally movies, and Reddy's errant ways persisted. It came as no surprise that Reddy failed his Senior Cambridge. He was not the only future lawyer to do so though: another was Narayan Singh Arjun. But this failure was an inconsequential setback. It had already been decided to send Reddy to New Zealand to do law. In April 1955, Jai Ram proceeded to Wellington and enrolled in the University Entrance class at the Wellington Technical College, which had been arranged for him by the family of Shaukat Ali Saheb. Hussein Saheb, Shaukat's younger brother, was a student there. Then things changed. Reddy did exceptionally well, and was the only 'non-accredited' student in the entire College to pass the University Entrance exam that year. The following year he enrolled at the Wellington Law faculty. Reddy had always wanted to be a lawyer, as

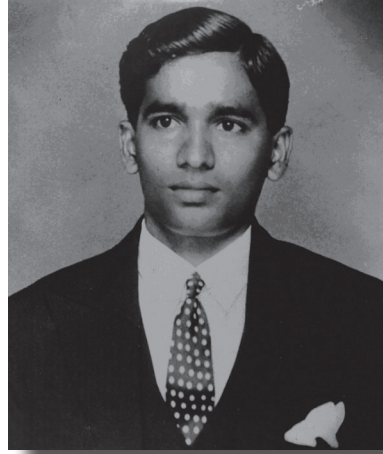
many boys of his generation (and those following) did. Lawyers had status and connection in society; they were looked up to; and, more importantly, they could fight for the people, as others such as AD Patel were doing. Sesha Reddy encouraged his young nephew in this thought. As it happened, the Ba-Lautoka corridor before the 1960s was notorious for its many murders, so there was money to be made in law as well. Reddy graduated from the university a Barrister-at-Law in 1960 and returned to Fiji the same year.

The decision to send Jai Ram to New Zealand had not been made lightly. Going overseas was expensive, and his father Pethi Reddy (1910–1994) was not at all well off.¹⁹ In fact, in his early years, he had led an itinerant life, moving from place to place, from Nabila and Naviyago to Matawalu and Drasa and many other places besides making ends meet on meagre income earned through farming and dairy business. He was a resourceful man, however, and never gave up. Pethi's father, Byanna, returned to India in 1922, and his mother died when he was only ten. He was brought up in the family of the warmly remembered matriarch Parvatama, who had come to Fiji on the *Elbe* with her own three children. The early lessons taught by hardship were learnt well. In 1947, Pethi Reddy finally bought some freehold land at Teidamu, where the family eventually settled, gradually expanding the farm to eighty seven acres. The farm remains in the family. But the education of children weighed heavily on the minds of all Indo-Fijian parents who often went into debt to give them whatever education they could afford. Jai Ram's father was no exception.

Pethi Reddy (also known as Bada — older — Sesha) was a quiet, industrious man, a lifelong vegetarian, appropriately nicknamed 'Sadhu,' and close to the progressive views of the Arya Samaj. But Pethi's younger brother, Sesha Reddy, (Chota Sesha, younger) was a complete contrast to his elder brother. For his time, he was a highly educated man, having attended the Marist Brothers High School in Suva for three years. People say that Jai Ram has his uncle's fighting temperament. Sesha was involved in politics. He was an active member of the Maha Sangh, and his name appears in archival documents relating to that organization. He was active in the 1943



*Jai Ram's parents, Pethi (Bada Sesa)
and Yenḡattama Reddy in New
Zealand, ca. 1970s.*



*Jai Ram's paternal uncle, Sesa Reddy,
ca. 1945. Both photos courtesy
of Janardan Reddy.*

strike, and was close to AD Patel. But Sesa died tragically young in 1945, while still in his late twenties, from a ruptured appendix, though some said his early death was a punishment from the gods for defiantly participating in a fire walking ceremony without prior preparation and in breach of the prescribed ritual protocol to prove that there was not much to walking on fire. He also broke the community's social rule by marrying a North Indian girl (as Jai Ram would do in his own time).

Sesa lives on though in stories that have been passed down in the family over the years. Jai Ram tells this story. Once on their farm at Bila, Drasa, an American soldier from a nearby military camp came to the Reddy household armed with a pistol and demanded alcohol. There was none in the house. Sesa was incensed at the soldier's rudeness and temerity. He seized the pistol, grappled the soldier to the ground, beat him senseless, dumped him into the back of a small dairy truck, drove straight to the Lautoka Police station, and threw out his body there, in full view of every-

one! Family honour was nothing to trifle with. The poor American soldier did not know the Kamma code. All that Reddy remembers of that incident is blood all over the matted bamboo floor of the house.

On another occasion, a maternal uncle badly beat up a black American soldier, probably for similar indiscretion. When the soldier ran into a nearby cane farm to escape more beating, they torched it to prevent him from escaping. There is another story of violence that is vaguely recalled in the family, involving Jai Ram's maternal grandfather, Iyyappa. He was a proud and progressive man who for some reason had fallen on hard times, making a meagre living from bits and pieces of carpentry in the settlement, and hitting the bottle hard. One day, feeling estranged from his family, he shot his wife and then killed himself. Violence also ended the life of Jai Ram's maternal great-grandfather, Venkataswamy, who was shot by a CSR overseer (of the Drasa Sector) while he was on his way to attend a rally organized by Sadhu Vashist Muni, the charismatic and mystical Indian spiritual leader who was visiting Fiji in the early 1920s and subsequently deported by the government for 'interfering' in local affairs.²⁰ The overseer was 'punished' by being transferred to Nausori. Jai Ram's paternal grandfather Byanna died in India in 1945. It is said that plans were in train for him to be brought back to Fiji (his passport had been arranged), but he was fleeced of his travel documents and money in Calcutta on his way back, and died there.

That world of Jai Ram's youth has now vanished beyond recall: the back-breaking work from dawn to dusk, the isolation, the struggle merely to survive, the encircling poverty, the practice of witchcraft and magic in the community, *jadu tona*. It is difficult to believe now, but there was a time when people ate the food they themselves grew, when there were no paved roads, no piped water, little contact with the outside world. Distinguished Australian anthropologist WEH Stanner wrote of the Indo-Fijian farming community in the 1940s this way: 'Thousands of families suffered under a crushing burden of private debt. Peasants and labourers lived frugally, worked long hours for extremely low wages or incomes, and saved with

desperate application to keep alive, to repay loans and mortgages, to buy freehold land, to remit funds to India, to discharge customary social obligations requiring expensive outlays, and to acquire a competence for old age or return to India.²¹ American geographer JW Coulter captures well the rhythm of village life in the early 1940s; it is a world that would be familiar to Jai Ram:

The regular work of Indian farmers in Fiji is in contrast to the irregular easygoing life of the Fijians. The Oriental rises at half-past five, harnesses his oxen, and plows from six to eight. He breakfasts at home or in the field on roti and milk and tea (roti is bread made from flour and fried in ghee). He resumes plowing until ten; at that time, his oxen are unhitched to lie in the shade during the heat of the day. Shortly after ten, he milks his cow, and from ten-thirty to twelve hoes, weeds or cuts fodder along the ditches or roadside. At noon he lunches on rice, dal or rice curry, and milk. In the early afternoon he hoes again, cuts more grass, or does odd jobs about the house. From three to five he plows. Supper at six consists of rice curry and chutney and milk. There is smoking and conversation by a kerosene lamp until bedtime at eight. In the evenings groups of Indians who have been working in the fields all day trudge home in the dusk, carrying lunch pails.²²

The precise details would vary from place to place, but the overall portrait is authentic. This was the only world people knew, and loved. They depended upon each other for the completion of routine agricultural work and for their survival as a community because Indians had ceased to be of concern to the colonial officialdom after the abolition of indenture in 1920, except as subjects for rudimentary administration. It was in this self-contained, self-sustaining world that ordinary Indian people celebrated life and mourned its passing, adjudicated disputes and regulated social discourse, marked the passing of seasons and the advent of festivals: Diwali, Holi, Mohurram, Eid, Shiv Ratri, Ram Naumi, Mariamman puja, fire walking

and many others specific to the various communities. That rural world in which Jai Ram grew up is now disappearing, as native land leases are not renewed, as the once vibrant sugar industry declines, and as uprooted people seek new opportunities in the haphazardly resettled communities on the fringes of urban areas.

For children growing up in Fiji in the 1940s and 1950s, India was, as it had to be, the principal cultural reference point, manifested most visibly in the ubiquitous, gaudy pictures of various gods and goddesses (and of Mahatma Gandhi and Jawaharlal Nehru as well) plastered on the bamboo walls of thatched houses. Contact with India was never quite broken as had happened in some other places, such as the Caribbean. Jai Ram's emotional world was formed by the romantic Hindi cinema, which began arriving in Fiji from the late 1930s: endless tales of unrequited love, unfulfilled desires, unbridgeable chasm between dreams and realities.²³ Every boy aspired to be a Raj Kapoor or a Dev Anand or a Dilip Kumar, the trio who dominated the Hindi cinema in the 1950s and 1960s, and fell hopelessly in love with the latest heroine: Waheeda Rahman, Meena Kumari and, of course, the incomparable Nargis of Mehboob's *Mother India* fame, and Raj Kapoor's (not so) secret off-screen love. Dilip Kumar and Nargis were Jai Ram's favourites; they were everyone's favourites. The darkened cinema hall in the 1950s provided a relief and a rare escape from the mundane realities of life on the farm, with such memorable movies as *Anarkali*, *Barsat*, *Aah*, *Awara*, *Andaz*, *Rattan*, *Anmol Ghadi*, *Babul*, *Dard*, *Mahal*, *Daag*. Their music, by turns sentimental and haunting, touches the heart even today, at least of those of my post-war generation. By the 1960s, going to the movies was the major social event of the week in Indo-Fijian areas. Dressed in their finest clothes and jewellery, people went to the theatre to see, and to be seen.

It was from the Hindi movies that Jai Ram picked up music, like most romantically inclined boys of his generation (and mine too). He was particularly fond of the tragic love songs of Talat Mehmood, which he sang at weddings and other social occasions whenever the opportunity arose.

His singing skills were honed during his student days in Wellington, as often happens. He does not sing now, at least not in public, or that I know of. He gave up public singing when he embarked on his political career. Singing and politics do not go well together, he says with a smile. But his private passion for music remains and is well known to his close friends, who are sometimes pressed to perform at suitably lubricated social get-togethers, with varying degrees of accomplishment, it has to be said, and often to much mirth and hilarity in the quintessential Indo-Fijian way. Jai Ram has particular fondness for *ghazals*, Urdu love and romantic songs, and film songs from his childhood. *Aaj jaane ki zid na karo* (Do not insist on leaving tonight), *Ye zindagi usi ki hai, jo kisi ka ho gaya, pyar men hi kho gaya* (The world belongs to those who embrace love), *Dil jalta hai to jalne de* (Let the burning heart be), *Ham aaj kahin dil kho baithe* (Today I lost my heart somewhere).

Movies and music might suggest a soft, perhaps even sentimental, side to Jai Ram Reddy. There is, and it is accessible to few beyond his immediate family. But there is a hard side to him as well. Many of his longstanding friends and colleagues have recalled to me one of his traits with some puzzlement: his habit of cutting people off completely, of having absolutely nothing whatsoever to do with them, if he feels they have somehow slighted him, or said or done something that offends his sense of honour and propriety. Then the curtain falls. In time he forgives, but he does not forget. Sometimes, long forgotten battles are recalled after a drink or two and the offender taken to task clinically and often to his great discomfort, but the anger subsides quickly after the point has been made. Normality then returns to the conversation. It is truly remarkable, in view of this, how those at the receiving end of Reddy's ire never hold grudges against him, how fiercely loyal they remain to him. Loyalty is a trait Reddy cherishes above all else. And he reciprocates it in ample measure too. It is a trait that soldiers value greatly on the battlefield. It is an integral part of the warrior ethos too. And Reddy has the warrior tradition in his cultural background.

TOWARDS LAW

What brought Jai Ram Reddy to public notice first were his abilities as an advocate. Following his graduation, he began his career in 1960 as an associate in the law firm of AD Patel, who was then the country's most well known criminal lawyer. Reddy's skills at advocacy, fine-tuned under the tutelage of the great master, were observed early on. Magistrate Arthur Jeddere-Fisher, known for his 'sometimes subversive approach,' as his obituary puts it, offered Reddy a place on the bench as a magistrate. It was a flattering offer to a man still in his late twenties, but Reddy declined because he wanted to gain more experience as an advocate. Jeddere-Fisher then recommended him for the Crown Law Office to Attorney General Justin Lewis, QC, and Reddy accepted appointment as Crown Counsel. He rose quickly through the ranks to become the Principal Legal Officer, a singular achievement in late colonial Fiji, before returning to private practice in 1970 when he joined as partner the law firm of Stuart and Company, which he eventually took over. In 1972, the progressive, rapidly localizing Chief Justice, Sir John Nimmo, offered Reddy the post of Director of Public Prosecutions, a huge compliment to such a young lawyer, and Reddy was sorely tempted to accept; but he declined it to remain in private practice at Lautoka at the urging of his new law partner Ken Stuart who had taken over the western operations of the law firm of Munro Leys.

Over time, Reddy and his associates, notably the esteemed lawyer Bhupendra Patel, sometime legal advisor to the National Federation Party, built the firm into one the largest and most respected in Fiji. The firm was dissolved after the coups of 1987, a casualty of the violence and chaos that followed in their wake. The law office was the target of arson orchestrated by members of the ultra nationalist Taukei Movement. Reddy reminisces about his time at the Crown Law Office and his years at Stuart Reddy and Company with great fondness. Law was his passion, and what made all the difference was that he was accomplished at it, among the very best of his generation. And he recalls gratefully the help and professional encouragement and training he got from members of the Bar and the Bench during

his salad days, from Bruce Palmer, his immediate superior at the Crown Law Office, and Judge Ronald Knox-Mawer, who was based at Lautoka, among others.

Qoroniasi Bale, the former (deposed) Attorney General of Fiji, regards Jai Ram Reddy as one of his two heroes, the other being the great jurist and Fiji High Court judge Ghananand Mishra, arguably one of the finest judicial minds ever to have occupied the local bench. Mishra, Bale says, had a fine analytical mind, calm decision making ability and the rare capacity 'to use the right words to express jurisprudential issues and realities of life.' Ratu Joni Madraiwiwi has called Mishra a 'legal titan,' and 'a fortress of rectitude and integrity that was never breached.'²⁴ Bale admires Reddy for his integrity, dignity, courtesy, eloquence, ability to think on his feet and a logical assembling of thought and its precise expression. These are his words, not mine. It was Bale who indirectly (through the Chief Justice) invited Reddy to join the judiciary as President of the Appeal Court.

Integrity is a word many lawyers use about Reddy. Imrana Jalal recalls a case involving domestic violence in which Reddy was the defense counsel. When Imrana convinced Reddy in a private conversation that the man he was defending was indeed guilty, Reddy picked up the phone straight away and told the man to settle forthwith. Once, Attorney General Justin Lewis asked Reddy to prosecute a case in Lautoka. Reddy visited the scene of the crime and made an assessment that convinced him that the man charged was innocent of the crime he was alleged to have committed. He told the Attorney General that, in all conscience, he could not lead the prosecution. Lewis accepted Reddy's decision, and handed the case to Ghana Mishra, then in the Crown Law Office, who successfully prosecuted the man. Chanan Singh recalls hiring Reddy to defend him in a murder trial for a fee of three thousand dollars.²⁵ Reddy successfully defended Chanan, reducing the murder charge to manslaughter. But when Chanan could not pay the full amount at once, Reddy took half the fee and asked Chanan to forget about the rest. Chanan tailored him a suit in compensation instead. Stories such as this abound. Chen Bun Yung, Reddy's protégé and junior partner

and former Fiji Law Society president, says that Reddy had no sense of what fees to charge. His business sense was apparently inversely proportionate to his legal talents!

Reddy describes in the essay at the end of this chapter what he considers to be the essential ingredients of good advocacy: industriousness, hard work, imagination, courtesy, mastery of the case, an intuitive understanding of human nature, and an ability to maintain an even temper. Reddy exhibited all these traits in ample measure. Certain traits of Reddy were emphasized and admired by those lawyers I spoke to during the research for this book. The first was his mastery of the art of cross-examination, of obtaining evidence favourable to your client, weakening the evidence that has been adduced against him, and, if possible, destroying the value of the evidence by calling into question the credibility of the witness. An essential prerequisite for successful cross-examination is an acute understanding of the human character. Another necessary trait is good oratorical skill and command of the language, the use of simple unadorned words, direct and persuasive. 'Presence' is another important attribute in a good advocate. Charisma might be another word for it, a special ability to influence and inspire. Police Prosecutor, Assistant Superintendent of Police Sur Sen, once told me that whenever Reddy appeared in court in his later years, court officers often showed him greater deference than they did to the judges and magistrates, such was his personal aura. Judge Erik Møse, former President of the International Criminal Tribunal for Rwanda, remarks on another Reddy trait that others have noted: his uncanny ability to get to the essence or the bottom line quicker than most. 'He immediately saw the core of the matter,' Møse says, 'irrespective of its complexity. When addressing intricate legal problems, he drew on his extensive judicial experience, profound insight and a human touch. He possessed the rare gift of being open-minded but yet principled, co-operative but firm.'²⁶ The qualities that Reddy exhibited in his professional life as a lawyer, of integrity, ability and understanding, he would display in his public life as well. But these were not immediately apparent or easily grasped by the public. An important

reason for this was Jai Ram Reddy himself. He was never a self-advancer. He disliked talking about himself and his achievements. For instance, he had done a tremendous amount of legal work for the Sugar Master Award for a nominal fee, but he never claimed credit for it. He was, as Judge Møse says, an outstanding success as a judge Arusha but he rarely talks about it, and does so reluctantly when pressed. He cared little about his historical legacy, which is why his personal papers are so sparse. He was content simply to apply himself to the task at hand, to do his best, and let things be. This self-effacement is rare in public figures.

A law degree was not the only asset Reddy gained during his years in New Zealand. He also met his first wife, Anne, the daughter of the university's professor of geology. They got married in 1962. From that marriage came two children, Sanjay (who tragically died young a few years ago from a brain tumour) and Helen, before the couple separated in 1970. In 1972, Jai Ram Reddy married Chandra Wati Singh, an attractive Hansard reporter in the Legislative Council, as Mary Chapman, the former Secretary General of the Fiji parliament, has recalled, when Reddy was in the Crown Law Office. It is a pity that Chandra will not find more mention in a book devoted to her husband's political life and career. She is a woman of great strength of character, an astute observer of the political scene and a good judge of people. She remains Reddy's inner sanctum, his sanctuary from the ravages of public life, fiercely loyal and totally devoted; and like so many Indo-Fijian women of her time and cultural background, has put her husband's career ahead of her own. But her personal contributions are noteworthy in their own right. Jai Ram's heightened sensitivity to gender issues comes from Chandra. The NFP's fielding strong, professional women candidates in winnable seats in the late 1990s was a milestone achievement. Reddy privately regretted that he could not do more because of the constraints and assumptions of the male-dominated culture of the Indo-Fijian community. Chandra was the first wife of an Indo-Fijian politician to take active part in the activities of a political party. For many years, she headed the Women's Wing of the National Federation Party and introduced such



Chandra and Jai Ram Reddy at a civic function in Ba, ca late 1990s. Photo courtesy of the Fiji Times.

progressive social thinkers and activists as Imrana Jalal and Shamima Ali to meetings of NFP women. She participated actively in national multiracial women's fora, with other women leaders such as Emelita Wilson, to advance the cause of women's political rights. Jai Ram and Chandra have a daughter, Sandhya, a lawyer, and a son, Prashant, both now living in New Zealand.

Jai Ram Reddy came of age in a world of great social change and transformation. He was born when the British Empire was at its peak and the power of the all mighty Colonial Sugar Refining Company unchallenged. They would both disappear from Fiji in the next thirty years. He grew up in a closely compartmentalized world characterized by petty racial discrimination and by the humiliation and exclusion of non-Europeans from the public domain. He witnessed from close quarters the entrenchment of a political arrangement by the colonial government, albeit with the concurrence of some of Fiji's own political leaders, which had the effect of

marginalizing his people from their just share of power. With the imminent departure of the colonial rulers arose the difficult scenario of Indo-Fijian leaders having to deal with their Fijian counterparts on their own, without an external intermediary, on such sensitive issues as land and the constitution. His own people had emerged from the shadows of indenture to enjoy a modest degree of prosperity, but deep cultural and social divisions remained which would continue to divide the community and hobble its prospects in the future, a future in which Jai Ram Reddy would play a pivotal role. But it is time now to return to the beginning, to the origins of colonial Fiji and the legacy it bequeathed to subsequent generation of Fiji leaders. This rather lengthy detour is necessary to provide background and context to the legacy that Jai Ram Reddy inherited and with which he grappled all his political life.

COLONIAL FOUNDATIONS, INDIRECT RULE

Fiji became a British Crown Colony on 10 October 1874 when growing European pressure on Fijian land and labour and their entanglement in internal Fijian rivalry for power and political ascendancy forced the self-styled Tui Viti, Ratu Seru Cakobau, to cede the islands to the United Kingdom. The unconditional transfer was solemnized in the 'Deed of Cession' whose contested interpretation about what the Fijian chiefs had ceded, or did not cede, to the Crown, about how and in what ways Fijian interests would remain 'paramount' in Fiji, would embroil Indo-Fijian political leaders in continuing controversy for decades. The Deed opened a parenthesis in Fijian history which the Independence Order of 1970 formally closed nearly a hundred years later. Britain accepted Fiji's cession reluctantly, after turning down earlier offers, because the archipelago was remote from the centres of commerce and trade, and showed little immediate economic potential. Sir Arthur Gordon, the first substantive governor — the instruments of Cession were accepted by Sir Hercules Robinson, the Lieutenant Governor of New South Wales — was instructed by the Secretary of State for the Colonies, Lord Carnarvon, to make the new colony economically self-

sustaining in the quickest possible time, with reduced fiscal largesse from London.²⁷ Gordon was a governor with a refreshingly unorthodox turn of mind, well connected to the Colonial Office bureaucracy (being the son of Scottish aristocracy) and imbued with a large sense of self-confidence and destiny. They all placed him in good stead. The decisions Gordon made during his time in the colony — he left for New Zealand in 1880 — were to lay the foundations of modern Fiji, with what consequences we all know only too well.

Every political leader in Fiji, Jai Ram Reddy included, has had to grapple with what some have called the ‘Fijian problem.’ That is, the absence of the Fijian people from the mainstream commercial sector of Fiji, and in education and the professions. The colonial government and a succession of postcolonial Fijian governments adopted a variety of racially-based affirmative action policies over time to redress the balance. But, though well-intentioned, they caused great controversy and derailed many a sensible discussion on the subject. This is not surprising given the prominence of the ‘ethnic’ factor in national politics where most issues of public policy were viewed through the omnipresent lens of race. The issue continues to haunt political discourse in Fiji, though perhaps less forcefully now that the demographic balance has shifted decisively in favour of the indigenous Fijians, and when it is readily acknowledged, because supported by verifiable facts, that poverty and disadvantage stalk every community in roughly equal measure, and now is no longer confined to one segment of the population.

The ‘Fijian problem’ has its direct roots in Gordon’s ‘native policy.’ This policy, adopted at the time of Cession, attempted to shield the indigenous population from the pressures and demands from the outside world. Fijian society in the late 19th century was in an acute state of distress. Nearly a quarter of the population had perished from an epidemic of measles accidentally introduced by a man-of-war from Australia, and Social Darwinist assumptions about the survival of the fittest predicted the extinction of the Fijian race in the not-too-distant future. Increasing

pressure from local planters on Fijian land and labour contributed its own share of anxiety to the native population. Aware of the plight of dispossessed and marginalized indigenous communities in other colonies of European settlement — Maori in New Zealand, for example — and convinced that the Fijian people would share a similar fate of dispossession and destruction if not protected by explicit government policy, Gordon prohibited the commercial employment of Fijian labour on European plantations. He also decreed legislation which required the indigenous population to remain in their villages, close to their subsistence roots, following the time-honoured guidance of their traditional leaders. Fijians would pay tax in kind, not in cash, like everyone else, so that they could meet their obligations to the state while maintaining their subsistence lifestyle. ‘Native Regulations’ determined the rhythm of village life, along with a pre-determined Program of Work for the people. A separate Fijian court system adjudicated disputes internal to the community. A Great Council of Chiefs was formalized soon after Cession to advise the Governor on matters close to the heart of the Fijian people. And so things remained throughout the 20th century. Gordon’s Fijian policy had the effect of creating a ‘state within a state,’ effectively closing the doors of the indigenous community to the outside world and to external forces of change, however desirable or progressive these might be.

The policy was enlightened, even if it was at the same time in the enlightened self-interest of the colonial administration. An undisturbed populace, untouched by unsettling modern forces, would naturally be more amenable to administrative management and control than one without firm moorings. But in time, a well-intentioned, protective policy became encrusted by debilitating orthodoxy.²⁸ As time moved on, the social and economic landscape of Fiji changed dramatically. While the rest of the population got enmeshed in the growing cash economy and, from around the middle of the 20th century, entered the medical, legal and teaching professions in ever-growing numbers, Fijians continued to live in the traditional subsistence sector, watching resentfully from the sidelines the

progress of the other communities and holding them accountable for their own difficulties. The colonial state may have initiated the policy of subsistence isolation for the Fijians, but Fijian chiefs entrenched it. Ratu Sir Lala Sukuna, the most influential of them all and the colonial government's chief advisor on Fijian affairs, preferred that his people live in their villages in the age-old fashion even when the times and needs had changed dramatically.²⁹ The controlling institutions and mechanisms of the Fijian Administration were reinforced, not relaxed, after the Second World War, and traditional chiefly power firmly entrenched in leadership.

Compounding the problem of economic disparity between Fijians and Indo-Fijians was the fraught demographic situation, as already mentioned before. After World War II, the Indo-Fijians exceeded the indigenous population for the first time and eventually became the outright majority, spawning real and imagined Fijian and European fears of 'Indian domination.' As a result, race, to the exclusion of virtually everything else, became the principal delineator of political discourse in the colony. 'Race is a fact of life in Fiji,' Ratu Sir Kamisese Mara said repeatedly throughout his career, so much so that it almost became a 'way of life for Fiji' when the edifice of racial compartmentalization was being seriously threatened by forces of social and economic change buffeting the nation. Fears of ethnic domination and subjugation lay just below the surface of public consciousness. And the language of violence and retribution was freely used to silence those who questioned the fabric of the established political order. Dealing with the question of race, negotiating its treacherous bends and boundaries was one of the most intractable problems Jai Ram Reddy faced in his political career. By the time he attempted finally to come to terms with the issue, he was gone. Since the coups of 1987, Indo-Fijians began to migrate in large numbers with the result that by the turn of the 21st century, Fijians had again become the dominant community in Fiji. In a decade or two, they will become almost two thirds of the population, finally putting to rest a ghost that had haunted Fiji's political landscape for several generations.

Another of Gordon's Fijian policies would bedevil Fijian politics for generations and one which would become a deeply divisive issue, with significant consequences for Reddy's political fortune in the Indo-Fijian community. That was the question of land. Without land, Gordon surmised accurately enough, Fijian society would wither on the vine and die, as many indigenous communities around the world had done in the age of European expansion and colonization. Land was more than an economic commodity for the indigenous community, he understood; it was its very heart and soul. From the very beginning, then, Gordon wanted to preserve as much land in Fijian hands as possible. First, he decided to standardize and codify Fiji's widely divergent land tenure system. After hurried consultation, as Peter France has so ably pointed out, he decreed the *mataqali* to be the chief landowning unit, not the *itokatokā* or the *yavusa*.³⁰ This standardization disadvantaged those areas of Fiji where the social structures were smaller and more decentralized; there were protests, but what was decreed into law remained law, and so it does still today. Further, not only was land to be held communally, it was to become inalienable as well, even among Fijians, thus limiting their independence over the property they owned. This has remained an issue of contention among Fijian landowners ever since.

Gordon established a Land Claims Commission and directed it to determine the amount of land which had been legitimately alienated by European settlers before Cession, and the amount which remained in Fijian hands, hoping that large amounts would be found to be un-alienated. The land enquiries concluded that 83 per cent of all land in Fiji, or 3,714,990 acres, was 'native land'.³¹ About 8.15 percent (368,390 acres) was declared to be legitimate freehold land, and like freehold property elsewhere, a disposable commodity on the open market. Much of the freehold land was owned by large European planters (the Bull brothers in Dreketi, for example, the Tartes in Taveuni, and JP Bailey in parts of Viti Levu), the Colonial Sugar Refining Company and large trading firms such as Morris Hedstroms, Burns Philp, and Carpenters, among others. About four percent was declared Schedule A and B lands. These were

lands which were pronounced vacant at the time of Cession or whose *mataqali* had become extinct. The Crown was declared its custodian to use it in the interests of the colony as a whole. But now they have been returned to the native owners. As a result, today over 90 percent of all land in Fiji is in inalienable Fijian ownership. Issues surrounding the transfer of Crown land came to the fore in the late 1970s and early 1980s, when the Alliance government attempted to convert it to native land, driving a wedge between Ratu Sir Kamisese Mara and Jai Ram Reddy, and derailing embryonic talks about a government of national unity.

The ownership of native land is enshrined in law, and has never been questioned by any Indo-Fijian leader, including Jai Ram Reddy. But the terms and conditions on which the land was leased to mostly Indo-Fijian tenants did become an issue. In the early part of the 20th century, the CSR secured leases for its tenants by leasing land directly from the Fijian landowners themselves to maintain stability in the production of sugar cane. In some areas, Indo-Fijians made their own private arrangements with the landowners, to no one's general satisfaction, since bribery and corruption frequently crept into the dealings as prospective tenants tended to 'pick the eyes of the land,' leaving large tracts idle and unused. As cane production expanded and as pressure mounted for more land in the 1930s, the Government of India pressured the colonial government of Fiji to intervene to assist the vulnerable Indian tenant community. A more regularized system of leasing would have to be put in place to encourage good husbandry. The result, with the active encouragement of Governor Sir Arthur Richards and with the support of Ratu Sir Lala Sukuna, was the creation of the Native Land Trust Board in 1940. Entrusting the management of native land to a statutory body, even one chaired by the Governor himself, was unparalleled in the British Empire, underlining the deep, unquestioning trust Fijian chiefs had in imperial authority. It also made perfect sense at the same time, removing the potential for conflict between tenants and landlords who belonged to different ethnic groups and had different aspirations and needs and paving the way for more considered and planned use of the land.

The Board assumed the responsibility for leasing and managing lands on behalf of the landowners. Large areas of native land were 'reserved' for future Fijian use, and land not deemed to be needed for that purpose was released to Indo-Fijian tenants. But haphazard practices of leases had not ceased entirely, and the need arose for some legislative framework to provide stability. This had been one of the recommendations of the Burns Commission which reported on population trends and the pressure on natural resources in Fiji in 1960.³² The result, after years of intermittent discussion, was the introduction of the Agricultural Landlord and Tenant Ordinance (ALTO) in 1966. Under the Ordinance, leases were to be given out for an initial period of ten years with the provision for extension for two further ten-year terms if the land had been cultivated 'in a manner consistent with the practice of good husbandry.'³³ The grounds for the termination were carefully prescribed. Rent was to be assessed by a Lands Tribunal at fair market value. Landlords could not demand any payment in excess of the specified amount. The tenant would not pay any premium upon the extension of the tenancy for any improvement he had made. And he would be entitled to compensation for improvements he had made if the lease was not renewed. A most important inclusion in the Ordinance was the so-called 'relative hardship clause' according to which the landlord could only refuse to re-lease his land if he could plead greater hardship than the tenant, which he could do with the greatest of difficulties. As this tended to favour the tenants, the new provision came to be resented by many Fijians.

It was an unsatisfactory solution, everyone agreed, and AD Patel, then the leader of the Indian community in the Legislative Council, supported the Bill with what he called a feeling of 'great ambivalence.' It was not a perfect piece of legislation, and provided no long term solution; but it did buy valuable time. 'We are by this Bill providing an immediate relief and remedy,' Patel said, 'which may last for twenty years and within those twenty years this country, I hope, will make great advances in economic development which will result in relieving the existing pressure on the land and increasing the prosperity in the country which will result in increasing the number

of tenants of all races.³⁴ Patel's latter day critics, who thought he, being a large freehold landowner himself, was behind the ten year provision, did not appreciate the constraints of the times, the tenacity of the Fijian opposition or the subtlety of legislation that actually secured for tenants rights and privileges that no earlier legislation had done. And since the new legislation banned sharecropping, Patel stood to lose much financially. ALTO, as Trafford Smith of the Colonial Office pointed out to Governor Jakeway, was an improvement on the English practice itself.³⁵ The tenancy would be heritable and Trafford Smith noted, 'The guarantee of security of tenure rests not so much in the actual length of the lease as in the stipulation that the tenant may only be evicted on limited and justifiable ground.' In fact, a longer lease could potentially militate against the tenant's interests because the landowner could then more justifiably plead greater hardship and so repossess his land. Everyone hoped that within a generation, attitudes might change and a more amicable solution found. When the issue came up again in the mid-1970s as the ten-year leases under ALTO began to expire, the National Federation Party was bitterly divided in its response. As we shall see, one faction improbably wanted a permanent resolution of the problem, against the ever determined opposition of the Fijian side, while the other, more pragmatically conscious of Fijian sentiments, settled for longer, more secure leases. This would be one issue which would preoccupy Reddy for all his political life. The land problem remains unresolved.

CSR AND SUGAR

Securing the protection of the indigenous Fijian society was one vital component of Gordon's policy for Fiji. Another was promoting the rapid economic development of the nascent colony. But the immediate prospects looked bleak. The local European planters were in straitened circumstances themselves, many facing ruin, following the collapse of the cotton boom of the 1860s with the end of the American Civil War. In any case, the local planters did not have the resources for the kind of large scale economic development Gordon had in mind. Before coming to Fiji, Gordon had been

the Governor of Trinidad and Mauritius. There he had seen at first hand the successful operation of the plantation system of agriculture. That mode, he decided, would be the most appropriate for Fiji. And he settled on sugar cane as the preferred crop for the new colony.

Sugar cane was being grown on a small scale by individual planters, and the crop had shown promise. To grow it on a scale that could drive the economic engine of the colony, Gordon invited the Australian Colonial Sugar Refining Company (CSR).³⁶ The CSR, established in 1854, was Australia's largest grower and miller of sugar cane. The Company arrived in Fiji in 1882 and remained there until 1973, three years after Fiji became independent. The CSR's story in Fiji is central to our narrative in several vital respects. By 1900, CSR had become the largest miller of sugar cane in Fiji, producing around three quarters of the total output. Soon it would become a monopoly. Because of its size and preponderant contribution to the colonial economy, the Company exercised disproportionate influence in Fiji's economic and especially political affairs. For many years, one of its officials sat in the colonial legislature representing the interests of the Company. For many Indians in the sugar belt, the Company was the government, *sarkar*. Its word was law.

Until the early 20th century, the CSR grew all its cane on its own estates by employing Indian indentured labour. A decade later, it began to sell off its plantations to individual European planters, many of whom were its former employees and plantation managers. These plantations too were worked by indentured labourers. But as the shortage of labour loomed, following the impending end of indentured emigration in 1916, the planters sold their estates to Indians (those who could afford to buy them). In the 1920s, the CSR began to split up its plantations into ten acre plots and leased them out to former indentured labourers. The ten acre farm system remained the pattern for Fiji throughout. The ten acre plot was big enough, with good husbandry, to be economically viable, but not too big for the growers to become independent, or independent-minded. One important consequence of the ten acre farm was that farming families realized early

that there was no future on the farm for all the children; and Indian families in the early days were large. Most families decided to invest in the education of their children, especially boys, in the hope that they would have a career outside agriculture, albeit in colonial times only a lowly career in the civil service. Those who could afford it sent their children for higher education overseas, preferably to become lawyers and doctors. Jai Ram's father was among them. For many years, the cadre of Indo-Fijian professional class such as doctors, lawyers, accountants and teachers, came from this humble background. Now, many of them have left for overseas.

The CSR ruled the sugar industry with an iron hand, dictating the varieties of cane the growers could plant and insisting on a certain prescribed minimum standard of farm husbandry. It conducted its financial business in absolute secrecy, refusing to open its book to scrutiny, even to the government. Growers were left in the dark about how the proceeds of the sugar industry were determined, how the cake was divided. They often complained, frequently to no avail, that they were cheated of their just share of revenues. Indenture may have ended, but the Company's attitude to the growers had not changed much. The Company knew best: it was the *Ma-Baap* of the industry, the parent. As parent, the Company did not hesitate to crack the whip (*chabuk*) when it felt necessary or simply to assert its authority. It got its way during indenture when protests were muted and strikes few.³⁷ But when indenture ended and people had tasted a modicum of freedom and independence, they refused to buckle under. The first of the strikes rocked the industry in 1921.³⁸ But more serious strikes took place in 1943 and in 1960.³⁹ These had important implications for political developments in Fiji in the 1960s as the colony lurched towards independence, poisoning race relations and frustrating political dialogue among the principal leaders. They would cast a long shadow well into the 1970s when Reddy was at the helm of Indo-Fijian leadership.

By the late 1930s, in response to the changing circumstances and growing numbers, the growers began to canvass plans for a sugarcane growers union. The result was the 1937 formation of the Kisan Sangh whose prin-

cial players included Ajodhya Prasad, MT Khan, Dildar Shah and a few others. It was a signal achievement in the face of intense opposition from the CSR, which did everything in its power to disable the new organization, seeing it as a clear threat to its hitherto unchallenged hold over the growers. By 1941, about 75 per cent of the growers, nearly three thousand, were members of the Kisan Sangh, which by 1943 had a limited capital of ten thousand pounds sterling. The government advised the CSR to recognize the union, which it did reluctantly. Initially, there was unity among the farmers, and the Kisan Sangh was able to negotiate a ten year contract with the CSR as well as extract concessions from it, including providing written receipts for cane proceeds and allowing growers' representatives to be present at weighbridges to check the weight of cane. For its part, the CSR gave the Sangh the responsibility of appointing *sirdars*, gang leaders. These leaders wielded enormous power in the cane farming community.

But then things began to go wrong. Since this is still a matter of huge controversy in the Indo-Fijian community and because it affected its inner political configuration for decades, it is important to cover this ground in some detail.⁴⁰ Concerned about the hidden agendas and sometimes irregular activities of the Kisan Sangh leaders, the most prominent members of the Indian community at the time stayed away from the organization. These included AD Patel, Vishnu Deo, Said Hasan, SB Patel, among others. Chattur Singh, outwardly a Sangh supporter who had narrowly defeated AD Patel in the 1937 election for the Legislative Council, wrote to the Governor on 16 July 1940 about Sangh's 'harmful' activities in the Indo-Fijian community, and sought to have the Kisan Sangh declared an 'unlawful association for the duration of the war.' Kisan Sangh members, he said, were similar to 'fifth columnists,' that is, 'members of a clandestine subversive organization within a country to further an invading army's military and political aims.' They assaulted those who refused to join their organization or do the bidding of its leaders, forced people to sign papers in the middle of the night, and burned their opponents' cane. Swami Rudrananda, who would remain a lifelong friend of the cane growers, told Dr VWT McGusty, the Secretary

of Indian Affairs, on 10 July 1941 of the Sangh's tactics of 'gangsterism' and of not disclosing its financial records to its members who had paid their subscription. And Rudrananda was not the only one to so characterize the affairs of the association. Swami Avinasananda had advised the South Indians to tend to their social and cultural life and not to get embroiled in the affairs of the Kisan Sangh.

Many of the Sangh's early members were North Indian independent contractors who grew their cane on native leases or on freehold land, not as tenants of the CSR. The South Indians, late comers to Fiji, worked either as employees of the CSR or as its more vulnerable tenants. They complained bitterly that the CSR evicted its tenants at will if it disapproved of them, paying minimal compensation for their assets, charged land rent greatly in excess of that which it paid to the Fijians, prohibited the planting of food crops on its land, asked tenants to work in the mills or on the tramline free of charge, and insisted that they buy manure and fertilizer necessary for cultivation at a price dictated by the Company. The Sangh's reluctance to intercede with the Company on their behalf, not surprising given its developing close relationship, dismayed many South Indian tenants. So it came as no surprise when in June 1941, a new farmers' association was launched, the Akhil Fiji Krishak Maha Sangh, or Maha Sangh for short. Its leaders were AD Patel, Sadhu Kuppuswamy, MN Naidu, Swami Rudrananda, Krishna Reddy, Moidin Koya, Lakhpat Maharaj, Bechu Prasad, Madhavan Nair, Tulsi Ram Sharma and others. People have often and predictably accused AD Patel of fomenting dissent in the farming community for his own political purposes, but they fail to recognize the actual reasons why division occurred in the first place, nor how widespread the dissatisfaction with the organization then actually was. The political ramifications of the division in the Indo-Fijian farming community were significant and enduring. In the late 1950s, in preparation for the re-negotiation of a new contract with the CSR, the Maha Sangh leaders joined other growers associations to form a Federation of Cane Growers to provide a joint, united front to the Company.⁴¹ Among those who left the Kisan Sangh around this time

to join its rival was Siddiq Koya. But the unity was short-lived. During the 1960 strike, factions of the Kisan Sangh, led by Vijay R Singh, broke away from the Federation and advised their followers to start harvesting, effectively crippling the strike.

Throughout the 1960s and beyond, the strike was a cause of great controversy in the Indo-Fijian community. When Lord Denning was invited in 1969 to conduct arbitration into the sugar industry and adjudicate the terms of a new contract between the growers and the millers, the Kisan Sangh approached AD Patel to form a united front. Patel refused flatly: he could not cooperate with people who had stabbed the growers in the back at a time of their greatest need and then accused him of exploiting farmers to advance his own political career. The Federation of Cane Growers made their own submission to the arbitration proceedings which, Denning later said, influenced the content of his recommendations. With the Denning Award, which was in favour of the growers, the affairs of the sugar industry were settled for a decade or more, but the simmering tensions between the rival cane growers unions would continue to smoulder for the next few decades.

One important consequence of the 1960 strike was the consolidation of the Federation of Cane Growers. Initially concerned with matters in the sugar industry, it haphazardly morphed into a quasi-political organization called the Citizens Federation which contested and won the three Indian communal seats in the 1963 elections. On 21 June 1964, the constitution of the Federation Party was formally adopted. The party committed itself to 'create, promote, foster and preserve the national consciousness among the citizens of Fiji irrespective of any distinction of community, religion, race or sex,' to encourage 'political, economic, social and cultural integration, contact and understanding by pursuing the ideal of seeking 'Unity in Diversity,' and to 'obtain self-government for Fiji by all legitimate and peaceful means.' Talking of 'advancement of the citizens of Fiji,' of integration and self-government at a time of water-tight communal compartmentalization, must have sounded radical and threatening to those in authority.⁴²

Initially, the Kisan Sangh members supported the Alliance Party (more below) and when it collapsed in 1987, threw their weight behind Labour. Maha Sangh members formed the bedrock of the National Federation Party. In the 1990s, the Fiji Labour Party leaders captured the National Farmers Union, which attracted members of the by now moribund Kisan Sangh. Soon, the NFU became a rival for the Maha Sangh-based Federation-leaning Fiji Cane Growers Association. While the FGA won significant victories in cane growers' elections for the Sugar Cane Growers Council, at the national level, the NFU delivered the sugar belt vote to Labour. Mahendra Chaudhry was its founding General Secretary, a post he held unchallenged for nearly all the time, even when he was an interim minister in the post-2006 military administration: as Minister of Sugar no less. Chaudhry gradually converted the sugar cane belt into his own constituency, and worked assiduously to nurture and redress its grievances. What was once a solid Federation territory had become over time the solid support base for its bitter rival and eventual annihilator.

CONSTITUTIONAL CHANGE

By the mid-1950s, Fiji had undergone a dramatic change since its pre-war years. In 1956, the total population of the colony was 345,164 of which Indo-Fijians accounted for 48 per cent, indigenous Fijians 43 per cent and Europeans 3 per cent. The increase in the Indo-Fijian population was the result of four factors: a higher fertility rate, a lower infant mortality rate compared with the Fijians, the early marriage of Indo-Fijian women, and a higher proportion of female children.⁴³ These figures, and the population projections they forecasted, rang loud alarm bells. By 1967, it was predicted, the Indo-Fijian population would increase to one-quarter of a million while the Fijians would not reach that number until 1980. The disparity both in the actual size and in the projection between Fijian and Indo-Fijian populations not only caused official concern, it poisoned race relations in the colony, leading to improbable calls in the 1950s for the steady deportation of Indo-Fijians to the remoter parts of the Empire such as the New Guinea Highlands and,

even more unrealistically, to the Marquesas, which was a French territory.⁴⁴ The debate would continue to linger well into the 1960s as talks got under way for independence. Family planning was introduced, following the recommendations of the Burns Commission in 1960, but Fijians were quietly told to ignore it; for them, increasing, not decreasing, the indigenous population was the imperative of the day, their sacred duty to their 'race.'

There were other developments which were gradually changing the face of Fiji. The old barriers of isolation were breaking down as a result of improved local and international transport and communication. There was a rapid increase in primary and secondary education. In 1946, there were 438 schools with 36,000 pupils.⁴⁵ Ten years later, there were 479 schools with 60,000 pupils. The number of Fijian schools — that is, schools which admitted only Fijian students — increased by only a negligible amount from 306 in 1946 to 310 in 1955, while the number of Indo-Fijian schools in the same period increased more significantly from 106 to 149. Numbers by themselves do not reveal the full story, however, even though Fijian schools outnumbered the Indo-Fijian schools by almost two-to-one. Around ninety percent of the Fijian schools did not go beyond grade five (only 32 of the 300 schools did), while amongst the Indo-Fijians, 84 of the 141 primary schools, or sixty per cent took their students up to the final year, grade eight. This disparity was evident in other fields as well. In 1958, for instance, there were no professionally qualified Fijian lawyers and only one dentist and one medical doctor. In contrast, there were 38 Indo-Fijian lawyers, 12 medical doctors and eight dentists practicing in Fiji. The gap in the educational and professional achievements of the two communities — a result of cultural, historical and economic circumstances — would arouse great debate in Fiji and would be a principal concern of its leaders from the 1960s onwards.

Throughout his political life, Jai Ram Reddy would be involved with Fiji's constitutional politics, as we shall see, especially after the 1987 coup. In the 1990s, he was deeply preoccupied, firstly with the review of the racially imbalanced and discriminatory 1990 Constitution which had been decreed into existence by the President to entrench Fijian control of Fiji's political

process, and secondly with the formulation of a new, fairer constitution in the late 1990s. In the 1970s, he was critical of the 1970 Independence Constitution for the manner in which it had subtly locked the Indo-Fijian community into a position of political inferiority by giving the Fijian representatives in the Senate the power effectively to block all legislation proposed by the democratically elected government of the day. His criticism may have been valid, but Reddy did not know of the compromising role his own leaders had played in the independence negotiations, nor of the pressure from London to devise a political arrangement at independence which had all the paraphernalia of genuine parliamentary democracy, but which left Fijians firmly in control.

In 1977, Reddy finally came face to face with the contradictory, if not actually irreconcilable, assumptions and understandings which had underpinned that fraught document. He was determined to have a constitution in place that was transparent in its logic and direction and would give his people their just and fair share of power. It is necessary now to take a fairly long detour of the pre-independence constitutional debates which Reddy watched from the cockpit of Indo-Fijian politics, in the law office of AD Patel, where he was a staff solicitor, and whose legacy he would inherit when the time came for him to assume the leadership of the Indo-Fijian community in the 1970s. The 1960s was a time of great passion and excitement in Fiji, and for the Federation Party as well, as the country joined in the great debates about the kind of political culture a multiracial society like Fiji should have, about the relative merits and demerits of common roll and communal roll, about the form of political independence appropriate for the country. Fiji would not have such a lively and productive conversation again until the 1990s.

One feature of Fiji's political evolution which haunts Fiji to this day is its racial character.⁴⁶ From the very beginning, the colonial government decided that political representation in the Legislative Council, the legislation-forming branch of government, would be racially compartmentalized. A completely racial system of voting lasted from

1904 to 1966 when a limited cross-voting system was introduced. The second feature of Fiji's electoral system was the principle of balance between the three ethnic communities. This in practice meant a gross over-representation of the Europeans who were always a tiny minority in the population, but the government justified their disproportionate presence on the grounds of their preponderant contribution to the colony's economy. And Fijians opportunistically supported the idea to keep at bay the threat of Indian domination. The 1937 Letters Patent defined the composition of the Legislative Council as follows: 15 Unofficial Members comprising five each of Fijians, Indo-Fijians and Europeans and 18 Official Members. The latter were normally heads of government departments. Three additional Members ensured that government motion would always succeed. Three each of the Indo-Fijians and Europeans were to be elected from communal rolls and two nominated by the Governor. All the five Fijian members were to be nominated by the Governor from a list supplied by the Council of Chiefs. This structure lasted from 1937 to 1963 when new Letters Patent came into effect. By then, the world had changed and Fiji had moved on.

Indo-Fijians got the franchise in 1929. Before 1916, when Indian indentured emigration ended, the interests and concerns of the Indian indentured labourers were represented in the Legislative Council by the Agent General of Immigration. From 1916 onwards, they were represented by a single nominated member, the first of whom was the wealthy and well-connected Rakiraki farmer Badri Maharaj, selected controversially over Manilal Maganlal Doctor, the overwhelmingly preferred candidate of the Indo-Fijian community. Manilal, a lawyer, had arrived in Fiji in 1912, sent there by Mahatma Gandhi himself in response to representations from the local Indian community for a lawyer to assist them in their dealings with the colonial officialdom. An uncompromising defender of the rights of the Indian community in Fiji and a brilliant debater, Manilal quickly became the target of the colonial government which deported him in 1920, ostensibly for his leadership role in the strike of that year, but technically because

he was not a British subject but a member of a principality in Mysore which was not under direct control of the British. He was thus an 'alien' who could be punished for 'meddling' in the colony's affairs.

The Indo-Fijian leaders welcomed the franchise, but not its communal character. They demanded an immediate introduction of a common, non-racial, roll where every voter's vote had equal value. They moved a motion to this effect in the very first sitting of the Legislative Council in 1929. A vigorous debate followed. Fijians would have nothing to do with the idea, while Europeans opposed it on the grounds that as representatives of the 'British race,' it was their duty to safeguard the interests of the Fijian community which the introduction of common roll would somehow threaten. When the motion was defeated, the three recently elected Indian members, including Vishnu Deo, walked out and boycotted the Council's proceedings. They returned to the Legislative Council later, maintaining a rhetorical, ideological commitment to the idea but accepting the reality that the introduction of common roll anytime soon was practically impossible. For all practical purposes, the idea lay dormant for nearly thirty years when it was resurrected by its most relentless advocate, AD Patel, as Fiji embarked on the path of independence.

Most major Indo-Fijian leaders supported the common roll but there were sections of the community which were opposed and were often actively hostile to it. Principal among them were the leaders of the Fiji Muslim League, the umbrella organization of the dominant Sunni sect of Islam. From the very beginning, and especially from the 1920s onwards, influenced by communal political trends on the Indian subcontinent, they rejected the idea on the grounds that common roll would lead to the Hindu dominance of Indo-Fijian politics. No Muslim could ever expect to be elected on Hindu votes, they argued, a notion which was disproved when Siddiq Koya won from a predominantly Hindu electorate in Western Viti Levu in 1963. Not only did the leaders of the Muslim League not want common roll, they also wanted separate representation in the Legislative Council as well.⁴⁷ This they demanded on the grounds that Muslims were

not 'Indians,' but by virtue of their distinctive religious and cultural practices, a separate community altogether. This was a false notion because during indenture, the boundaries of culture and religion were freely transgressed, leading to many mixed religious marriages, thus undermining the claim of cultural purity. Some Europeans opportunistically supported the idea to fragment the Indo-Fijian community but retracted their support when confronted with the tricky proposal by AD Patel that since the Muslims, if they were to be treated as a separate ethnic group, were bigger in number than the Europeans, they should have the same number of seats as them too! But the demand persisted well into the 1990s. The colonial government tacitly acknowledged the Muslim view and ensured that one of its Indian nominated members was always a Muslim. After independence, the Alliance Party under Ratu Mara courted the leadership of the Muslim League which quietly supported the party. But many Muslims did not, and remained with the National Federation Party.

TOWARDS SELF GOVERNMENT

By the late 1950s, the end of the British Empire was in sight.⁴⁸ In 1959, a new governor, Sir Kenneth Maddocks, arrived from East Africa with the mandate to gradually introduce constitutional change towards greater internal self-government. A White Paper introduced in 1961 outlined its broad direction: The number of Unofficial Members, that is, elected and nominated representatives of the people, would be increased from fifteen to eighteen, six for each of the three communities. And universal franchise would be introduced, giving the Fijian people the vote for the first time. The proposal was debated in the Legislative Council, with Fijian members rejecting outright any suggestion of even limited moves towards greater internal governance. If Fiji were to become independent, Ratu Penaia Ganilau and Ratu George Cakobau told their fellow Legislative Council members, then it should be returned to the indigenous Fijians, who had ceded the islands to the British Crown in the first place. For them, the matter was as simple as that. The debate provided an airing of views and deeply held con-

cerns, but Fijian leaders realized they could not veto the proposals. London was determined to move on. After the elections, the government advised that a quasi-ministerial arrangement involving a three-person Membership System would be introduced, giving elected representatives of the people supervision over a collective of the government departments. In July 1964, AD Patel became the Member for Social Services, Ratu Mara the Member for Natural Resources, and John Falvey the Member for Communications.

Patel's two chief political concerns throughout the 1960s were independence for Fiji and a common electoral roll. He had a deep and abiding distrust of the colonial government which he held responsible for racial division in the country. Its removal, he argued passionately, was absolutely necessary for improved race relations and social and political progress in Fiji. From that position he did not retreat despite fierce opposition from Fijians and Europeans alike who wanted the continuation, not the termination, of colonial rule. Indeed, in the early 1960s, Ratu Mara saw no value in independence at all, and for good reason, too, given the absence of Fijians in the higher echelons of the civil service and the professions. As Patel persisted, Fijian and European position hardened, expressed in the now famous 'Wakaya Letter,' to Nigel Fisher in 1963, in which the Fijian Affairs Board laid down the preconditions for any move towards greater internal self-governance.⁴⁹ These included firm guarantees on Fijian landownership, parity in the civil service, the special recognition of Christianity in the public life of Fiji, and a link to the Crown along the lines enjoyed by the Channel Islands. The letter was a secret document at the time. But its symbolic as well political significance is beyond doubt. London knew precisely where the Fijians and Europeans stood.

Patel and other Federation leaders expected London to play the role of an honest broker, and devise a constitutional solution broadly acceptable to all communities. But in this thinking they were mistaken, and their faith in British impartiality sorely misplaced. The mind of the Colonial Office was heavily influenced at the very outset by a secret memorandum written in 1960 by Julian Amery, Parliamentary Under-Secretary of State for the

Colonies, who had visited Fiji that year in the middle of a crippling strike in the sugar industry. It was a document whose tone reverberated in all serious talk about Fiji throughout the 1960s. Because it was a secret memorandum, its existence was unknown outside the official circles. It deserves mention in some detail. Amery was a well connected Conservative (his father, Leopold, had been Secretary of State for India in the 1940s), supremely self-confident and with a penchant for sharp, unequivocal judgments. He was characteristically blunt in his assessment. 'The Fijians and Indians are more distinct as communities than Jews and Arabs in Palestine, Greeks and Turks in Cyprus or even Europeans and Bantu in South and Central Africa,' he wrote.⁵⁰ The Fijians feared Indian domination, he said accurately enough, and had hardened their attitude to constitutional reform. They regarded the Burns Commission recommendation for the gradual abolition of the separate system of Fijian Administration 'as an attempt to give the Indian community control of the land by breaking up the traditional Fijian community.' It had to be remembered, too, Amery continued, that it was the Fijians who had been the 'loyal' community – the reference here being to their enthusiastic participation in the Second World War as opposed to the Indo-Fijians' unenthusiastic response. The Fijians provided 75 per cent of the armed forces. 'The islands could hardly be governed without them, let alone against them.' Amery continued:

We must, I think, accept that it is impractical to think in terms of a single Fijian nation or of a common roll at any rate for the foreseeable future. Any suggestion of this is bound to arouse Fijian suspicions that the Indian would dominate by counting heads. The moderate Indian leaders recognize this. This points to the conclusion that we shall have to recognize the equality of the Indian and Fijian communities irrespective of their numbers. There is no other way of reconciling both pledges in the Deed of Cession and those in Lord Salisbury's Despatch, let alone to keep communal peace. We should, therefore, let it be known that any constitutional advance must be so designed as to preclude the domination of one of the two main communities by the other.

The broad thrust of Amery's prognosis was accepted, despite the searching comments of senior officials such as Sir Hilton Poynton, but some of his other recommendations were rejected. The idea of a separate system of Indian administration was not only unacceptable in principle because of London's long-term commitment to multiracialism, it was impracticable because of the loose structure and dispersed settlement pattern of the Indo-Fijian community. Fijians needed help and protection, officials in London agreed, but they had to be taught to 'face up to the modern economic realities,' and officials favoured the gradual racial integration, not segregation, of public institutions. There was, however, one serious change from the substance of Amery's advice. He had recommended separate but equal representation of Fijian and Indo-Fijian interests. As the 1960s proceeded, London changed its mind. The primary aim of its constitutional policy then became the devising of a constitutional structure that was nominally democratic to outward appearances to satisfy especially the United Nations Committee on Decolonization (Committee of 24), but which would leave the Fijians firmly in control. Protection and entrenchment of Fijian paramountcy was foremost in the minds of officials in London. Indian demand for parity, acknowledged politely, would simply have to wait.

1965 CONSTITUTIONAL CONFERENCE ⁵¹

It was in this atmosphere, then, charged and with positions already staked out, that Fiji's first ever constitutional conference was held in London. The conference opened at Marlborough House on 26 July. The positions of the three groups were clear. The Fijian group wanted the recognition of the principle of Fijian paramountcy in the form of two additional seats — nominated by the Great Council of Chiefs — and the complete rejection of common roll, though the Colonial Office thought Fijian leaders were 'prepared to listen to proposal from the British side and to give them a fair hearing' because their 'confidence in British integrity is complete.' No proposals came from the British side. The Indo-Fijian side wanted common roll and

self-government, leading inexorably to independence, with continuing links to the Crown. The European position was identical to that of the Fijians.'

Ratu Mara, speaking for the Fijians, expressed gratitude to the British for their benign and beneficent administration of the country, and saw no need at all for abrupt change to Fiji's relations with the United Kingdom. 'We have declared that independence is not our goal because we have never found any sound or valid reason to attenuate, let alone abandon, our historical association with the United Kingdom.' On the contrary, he hoped that the United Kingdom 'will share with us our prosperous future, as she has always willingly and unstintingly shared our past and our present.' Speaking for the Europeans, John Falvey told the conference that many people were content with the status quo, and the demand for independence was confined to a small minority. Many in Fiji, he said, 'are well content with our present, and quite new constitution,' and there were but a 'few who are seriously critical of the administration of our country since 1874.'

Federation leader AD Patel could not disagree more. The conference, he hoped, would produce a new constitution that would lead to 'complete independence in the not too distant future.' He spoke about the enduring importance of political freedom of the type developed democracies enjoyed. 'Political liberty, equality and fraternity rank foremost among the good things of life and mankind all over the world cherishes and holds these ideals close to its heart. The people of Fiji are no exception.' He hoped the conference would mark the 'beginning of the end of a form of government which stands universally condemned in the modern world.' He, too, had 'faith and trust in the British people and the UK Government' to work out a just and fair solution for Fiji, but warned against the dangers of preconditioned thought and the politics of expediency. Coming from any other anti-colonial leader from any other colony, Patel's rhetoric would have been unexceptional; but it jarred especially when Fijian and European leaders were totally opposed to independence and so extravagantly effusive in their praise of colonial rule and all it stood for.

The mind of the Colonial Office was already made up. The proceedings of the conference clearly show London not playing a fair, mediating role. Eireen White, the Under-Secretary of State for the Colonies, held separate consultations with Fijian and European delegations, but none was held with the Indians. She made no attempt to give a sympathetic hearing to their proposal. Andrew Deoki's compromise proposal for a limited introduction of common roll towards the end of the conference was rejected because 'it came too late.' But too late for what, Patel asked, again to no avail. The conference produced the result that European and Fijian leaders wanted. Fijians now had fourteen seats, Indo-Fijians twelve and Europeans ten. In the new proposals, an outright Fijian majority was assured, because of solid European support, and thus a Fijian Chief Minister. European privileged position remained intact, despite giving up two seats. And Indo-Fijians lost parity with Fijians, despite being the majority community in Fiji. Further, nine of the twelve Indo-Fijian seats were to be contested on completely communal rolls and the remaining three on cross-voting lines. That is, in these seats, the ethnicity of the candidates would be specified, but everyone would vote without racial restriction. It was, in effect, an extension of the communal system of voting.

The Federation Party objected vigorously to the constitutional proposals. It criticized the United Kingdom delegation for not pointing out to the Fijian and European delegations the desirability of accepting even a limited number of common roll seats. It lamented not only the loss of political parity with the Fijians, but also the increased isolation of the Indo-Fijian community. The Chinese were put on the same electoral roll as Europeans, and Rotumans and other Pacific Islanders were added to the Fijian roll. The Indo-Fijian community now stood completely alone and isolated as the result of deliberate policy. Ironically, everyone else had common roll except the Indians! Patel reminded London of the spirit of Lord Salisbury's Despatch which promised equal rights to those Indians who had decided to settle permanently in Fiji. The composition of the Legislative Council and the method of election, he said, were 'unjust, unfair, impracticable and

undemocratic,' adding: 'They will harden the existing racial division and make practical integration of the different communities, which is vitally necessary to the building of apolitically homogenous and democratic nation, extremely difficult, if not impossible.'⁵² The Federation Party threatened to boycott the final session of the conference but did not do so 'out of respect for the Secretary of State.' It accepted the outcome on protest. Anthony Greenwood, the Secretary of State, admitted that the constitution was not perfect but thought sufficient progress had been made towards multiracialism in the cross-voting proposals, and urged everyone to make it work. Patel regarded cross-voting not as a progressive but a retrogressive step.

Soon after the conference, Fijian and European leaders were pressed upon to form a political organization to carry their message to the people. In this, they received unexpected support from Governor Sir Derek Jakeway, who urged the formation of political parties which would 'encourage political alliances which cross barriers of race and which will provide a firm and enduring basis on which all the communities of Fiji can move forward in partnership towards full control of their common destiny.' He even asked the Colonial Office to find someone from the Conservative Party to help the Fijians organize politically. His sympathy for the Fijians was well known. He may have acquired this from his stint as the Chief Secretary of Sarawak, from where he had come to Fiji. His antipathy towards the Indo-Fijian leaders may have developed from his time in British Guiana where Cheddi Jagan had accused him of political partisanship and demanded his recall by the Colonial Office.

Jakeway's encouragement led to the formation of the Alliance Party. On 27 November 1965 at a gathering of Fijian, European and a group of anti-Patel Indian leaders, the idea was formally proposed and a steering committee formed, consisting of Ratu Mara, Vijay R Singh, Ajodhya Prasad, Richard Kearsley, Semesa Sikivou and Shaukat Ali Saheb. The Alliance Party was formally launched in Suva on 12 March 1966, promising to provide for the people of Fiji a government 'which will be uniformly just and stable, maintaining our settled institutions although we must be

prepared if need be to review them.’ The founding institutional members of the Alliance, besides the Fijian Association, were the Suva Rotuman Association, All Fiji Muslim Political Front, Chinese Association, National Congress of Fiji, General Electors Association, the Fiji Minority Party, the Rotuman Convention and the Tonga Association. Ratu Mara was elected its President, and James Shankar Singh was one of its Vice Presidents, along with David Ragg and Baldwin March, with Dr Linday Verrier as General Secretary.

TESTING THE WATERS

In September 1966, Fiji held a new general election under the 1965 constitution. It was an important contest fought for the first time between two political parties, the Federation and the Alliance. The Federation Party campaigned on the platform of ‘One Country, One Nation, One People,’ with ‘no special privileges by reason of race, religion, birth, or sex.’ The Alliance defended the constitution and the colonial government’s policy of gradualism. The result was predictable. The Alliance won twenty five seats (all Fijian and European communal) while the Federation won nine, all of them Indian communal, and none of the cross-voting ones. The logic of the 1965 constitution had worked; Fijian leaders were in the driver’s seat, albeit through a contrived constitution. In the Indo-Fijian electorate, particular interest focused on the battle between AD Patel and Ajodhya Prasad for the Southwest Viti Levu Indian seat, between two men from opposing political parties and political persuasions who had been bitter foes since the late 1930s. In the end, Patel won easily, with 7601 votes to Prasad’s 4025. Ratu Mara, as the leader of the Alliance Party, was appointed Leader of Government Business, while retaining his Natural Resources portfolio for a few months before handing it over to Doug Brown. Vijay R Singh, Patel’s most bitter opponent, with a sharp mind and an eloquent tongue, was appointed Member for Social Services and Charles Stinson, a Suva businessman, Member for Communication and Works.

The Federation Party protested its exclusion from the Executive Council, pointing to Paragraph 39 of the conference report, according to which the 'Governor would continue to appoint the unofficial members of the Executive Council in his discretion but would provide for appropriate representation of the various communities in the unofficial element of the Executive Council.'⁵³ As the Federation Party represented the Indo-Fijian community, it claimed that it was entitled to be invited into the Executive Council. Trafford Smith agreed with this view, saying that the 'Secretary of State no doubt had in mind that the [Executive] Council would be formed on all-party basis as hitherto,' referring to the Membership system. This clearly was a fall-back position, in case the Alliance did not win the elections. But now that it had, 'Fiji had crossed a major Rubicon,' and an undertaking was breached. Ratu Mara, for his part, did not want the Federation Party in government because its policies, he said, were diametrically opposed to his party's and because the Federation in all probability would insist on the exclusion of Indian members of the Alliance from the Executive Council as a precondition for participating. This Mara was loath to accept. He had the mandate to rule and that was all that he needed. The first chance to form a broad-based government of national unity was thus missed at Ratu Mara's insistence, but on this more later.

The new Alliance government lasted a year when the Federation Party walked out of the Legislative Council in protest. AD Patel accused to the government of restricting debate on important issues of public policy — of 'hastily using the guillotine' — and of not consulting the Opposition. But there was another reason. The Party had accepted the 1965 Constitution under protest, as an interim arrangement, until a more democratic outcome could be achieved. As the election results showed, the constitution had completely marginalized the Indo-Fijian community. Making matters worse was the statement made by visiting Secretary of State, Herbert Bowden, that there was no urgency for another constitutional conference as the 1965 Constitution seemed to be working satisfactorily. Patel saw the

ploy. Satisfactorily for whom, he asked? On 1 September 1967, exactly a year after the new Alliance government had been sworn into office, he moved a motion in the Legislative Council and then staged a walkout. The motion condemned the 'undemocratic, iniquitous and unjust provisions [which] characterize the existing constitutional and electoral laws of Fiji,' which had 'hampered the political advancement of Fiji along democratic lines,' and called upon the United Kingdom to 'call a constitutional conference immediately to ensure that a new constitution is worked out based on true democratic principles without any bias and distinction on the grounds of colour, race, religion or place of origin or vested interest, either political, economic or social or other so that Fiji may attain self government and become a nation with honour, dignity and responsibility as soon as possible.'

The country simmered with palpable political tension as preparations began for the by-elections the following year. The Federation Party now adopted 'Independence Now' as its principal political platform. 'Smash the Constitution Before It Smashes You,' Patel told his rallies, 'Independence Our Salvation.' The party was out to prove that the overwhelming majority of the Indian community supported it and, therefore, rejected the 1965 Constitution. The occasion also provided Ratu Mara the opportunity to test his strength in the Indian community and to prove that he, too, had substantial support in it. Mara told London that he was expecting to win one or two Indian communal seats. The Indian community, he said, was realizing that 'he was genuinely determined to safeguard their interests,' and Patel himself was 'clearly losing ground.'⁵⁴

Mara's surprisingly optimistic assessment of his political support among Indo-Fijians was misplaced — and not for the last time either — because the by-elections returned all the nine Federation Party members with increased majorities, from 65 per cent of the Indian votes in 1966 to 75 per cent in 1968, with Patel returning with the largest majority of them all: 7903 to MV Pillay's 2772. Three factors played a part in the Federation's win: first it presented itself as the true and authentic voice of the Indo-Fijian community, unlike those Indo-Fijians sitting on the Alliance benches,

second, it fielded a superior slate of candidates; and third, it promised to overhaul the Eve contract when it expired. That pro-CSR contract had bankrupted scores of cane growers throughout Fiji. Mara was stunned, and retreated to his home in Lau where he remained incommunicado, even to the commander of the Fiji Military Forces, Colonel Frank Rennie, who was hoping for some guidance from the Chief Minister on the threatened riots. None came, with Mara allowing the threatening developments to take their course for a while. Strategic silence was a tactic he would employ again on many later occasions.⁵⁵

On 12 September, three days after the election results were announced, Ratu George Cakobau, the Vunivalu of Bau, called a meeting attended by some two thousand angry and threatening Fijians. They opposed independence in favour of internal self-government, and rejected common roll altogether. Tensions ran high. Calls went up to tighten all legislation concerning Fijian land, demand prompt payment of all rent, abolish ALTO, and reclaim all expiring leases. In Vatukoula, three thousand Fijians marched with their faces blackened to symbolize war. In Suva, at a large meeting attended by many leading Fijians, it was resolved that 'the control of the country should be returned to Fijian hands, by force if need be.' Others called for Patel to be deported. Mara was miffed, saying that the Fijian people 'feel betrayed and intended to have their interests safeguarded.' 'Let there be no violence,' he said with a hint of menace, 'but let it be clearly understood that the Fijian people have spoken in no uncertain terms and they cannot and must not be ignored.'⁵⁶ Patel was undeterred; he was not one to flinch in the face of adversity. 'The people have given their verdict in no uncertain terms that the people of the Colony want freedom and equal political rights.' Two decades later, Jai Ram Reddy would face a similar wrath from the Fijian nationalists, displaying placards calling for the deportation of Indo-Fijian leaders and the emasculation of the rights of the Indo-Fijian community.

The by-elections tested Fiji's fragile experiment in multiracialism. Patel had proved that the Federation Party represented the overwhelming

majority of the Indian community in Fiji and that it could no longer be ignored in future political discussions. His people would have their proper place at the negotiating table. But this proof had come at a great cost to race relations and caused a hardening attitude on the Fijian side which viewed increased Indian support for the Federation Party as a naked grab for power. The Fijian determination to stand their ground and refuse concessions was also out in the open. But the by-elections had also exposed the realities on the ground. Fijian leaders realized that they could not continue to oppose independence forever. It would be better for them to negotiate independence while they controlled the government and had a clear majority in the Legislative Council. The by-election was a sobering wake-up call to all parties to begin good-faith negotiations on a more realistic rather than predetermined basis. The time for procrastination had long passed.

TOWARDS INDEPENDENCE

The 1968 by-elections changed the political dynamics in Fiji, with London admitting that the ‘circumstances in Fiji are against us.’⁵⁷ In the past, London had feared Fijian insurrection if changes introduced did not meet their approval; now it was anxious that Patel’s successors – ‘people of a different calibre’ – might resort to strong-arm tactics, ‘or even have recourse to violence.’ The Special Branch had reported to London that Apisai Tora, the militant Western Fijian leader, had been promised a large sum of money allegedly by Koya ‘if he would pledge his support for certain courses of action,’ including ‘physical persuasion.’⁵⁸ After the 1965 constitutional conference, Koya had threatened to break away from the Federation Party against Patel’s supposedly ‘passive attitude’ and non-violent approach to the outcome of the conference, and was talking about forming a ‘Subash Party,’ after the Indian nationalist leader Subash Chandra Bose, who was committed to overthrowing the British from India by force. The rift between the two men was patched up, but the old cordiality was gone.⁵⁹ In December 1968, Jakeway left Fiji, telling London on the eve of his departure to eliminate the

communal rolls and replace them with cross-voting. He was succeeded by Sir Robert Foster, who had come to the Pacific after long service in Africa as District Officer and Provincial Commissioner in Northern Rhodesia and as Secretary of Native Affairs and eventually Deputy Governor of Nyasaland. Fiji began its journey towards independence with Maddocks' African experience, and it was concluding it with Foster's similar background.

That the Indo-Fijian side wanted an early constitutional conference for independence was not surprising. What did surprise Suva and London was that Fijians themselves were now demanding the same thing, though for very different reasons.⁶⁰ Their demand was based on a pragmatic assessment of the political realities on the ground. First, Fiji could not forever remain immune to international scrutiny, such as that demanded by the UN Committee of 24, or protected from proportional representation or majority rule, both of which were unacceptable to the Fijians. Full internal self-government would remove Fiji from UN scrutiny. Second, Indo-Fijian population was increasing, and further delay would make it more difficult for Fijians to insist that the political control of Fiji be handed over to them or at least a 'political structure in which Fijian influence is paramount.' Third, once the complete control of internal affairs had been handed back to a body which was acceptable to Fijian opinion, Fijian interests could then be protected without external interference. The public stand of the Fijian leaders was: no independence, at least no yet, no common roll and deep gratitude to the United Kingdom for all manner of things; but privately attitudes were changing, or at least were more flexible. Ratu Mara's erratic and sometimes contradictory attitude to independence seems to have been calculated and strategic. He clearly wanted to extract maximum concessions from London for his people while he still had time on his side, and held all the right cards.

By mid-1969, it was becoming clear in London and in Suva that a conference to decide a new constitution for a fully self-governing, if not completely independent, Fiji would have to be held sooner rather than later, especially in view of the agreement on this by both the major parties. Full

common roll and single-member constituencies were considered unrealistic because they were unacceptable to Fijians. The reason was simple. As one official in London put it, 'Fijians cannot afford to take the risk that voting may develop along non-racial lines since there is much at stake for them to be wrong.' The official went on: 'These arguments of the Fijians can never be adequately countered because there always comes a point when logic is swept aside and emotion is given free reign.'⁶¹ Developments elsewhere reinforced Fijian political conservatism, especially the race riots in Malaysia. Mara continued, on the eve of independence in 1969, to push for the 'Bahamas model' for Fiji, which provided for a large measure of internal self-government, with certain powers — external affairs, internal security, the police force and public service — retained by the Crown but with the provision for gradual devolution of these responsibilities to the elected government. Whether this was another of his bargaining ploys, I cannot say.

In August 1969, representatives of the Alliance and the Federation parties began a series of informal, secret talks about a new constitution for Fiji to identify areas of agreement and disagreement between them. In an atmosphere marked by cordiality, the leaders talked frankly and freely about their concerns and fears. AD Patel predictably pressed his case for common roll and immediate independence. He was to attend just one meeting before dying of a heart attack on 1 October. On 8 October, Siddiq Moidin Koya succeeded Patel as the leader of the by now National Federation Party (when Mohammed Apisai Tora's National Democratic Party joined the Federation Party) and as the Leader of the Opposition. Koya broke the potential political impasse when negotiations resumed. Over several months of private discussions, NFP conceded ground to the Alliance on virtually every important issue. For Koya, common roll was now surprisingly a non-issue. He told Sir Leslie Monson, the Under-Secretary of State at the Foreign and Commonwealth Office, that he, Koya, would be satisfied if Mara could be persuaded to say that he would reconsider common roll as a long term objective, perhaps over the next ten to fifteen

years. When Lord Shepherd offered this as a proposal in London during the conference, Karam Ramrakha objected vigorously saying that common roll was a central plank of the party's platform, not a long term objective. The party duly noted this on paper for the benefit of the Colonial Office, but what Ramrakha did not know fully was the position of his own leader, whereas both the Alliance and the United Kingdom did.

Lord Shepherd offered a way out of the common roll-communal roll impasse. At some point after independence, he suggested, Fiji could appoint a Royal Commission to look into and to recommend the most suitable electoral system for Fiji. And he told the NFP delegation that while he personally preferred common roll, the United Kingdom would not force the issue nor try to get the Alliance side to accept the idea. It was for the Indian leaders in Fiji to bring the Fijians to their side. That, and that alone, would form the basis of an enduring solution. Koya apparently thought the recommendations of the Royal Commission would be binding. Mara disagreed completely although he did say in 1970 that the findings of the Royal Commission would be 'taken into consideration and then become a part of the constitution otherwise its recommendations could be subject to whim and fancies of any Parliament.'⁶² In 1975, a Royal Commission was appointed, led by the eminent British jurist Sir Harry Street. The Alliance rejected any change to the electoral system, on the grounds that the present system of guaranteed communal representation had worked and altering aspects of the constitution so early in its life could open the floodgates for other changes. It was a spurious argument because no consequential changes to the constitution could be made without the support of both sides of the House.

The NFP's case was argued by a London barrister and later the Legal Advisor to the Commonwealth Secretariat, Thomas Kellock QC, in favour of proportional representation and a government of national unity and concord.⁶³ But the hearings before the Commission aroused little public interest. The Street Commission recommended the Single Transferable Vote as the most appropriate electoral system for Fiji.⁶⁴ For all practical purposes, the

report was still-born. It was not even debated in parliament, as Reddy would comment later. The Alliance had no reason to. The 1970 Constitution had worked to its immense political advantage and the party saw no reason for change. By then (the mid-1970s), with the exception of a few, the NFP had also been seduced by the idea of guaranteed racial representation in parliament. The NFP also agreed to go into independence without an election. 'It is fully appreciated by the Opposition that this proposal gives a position of advantage to the Government of the day,' Mara informed Governor Foster.⁶⁵ 'They accept this and have said they will fully support a Prime Minister during the period when the final details are being worked out, particularly with regard to elections. This was precisely the outcome that Fijian leaders had long wanted and the United Kingdom had fervently hoped for: Fijian leaders, in control, taking Fiji into independence. When a clearly surprised Governor probed him further about the concessions he had made, Koya explained that he did not want the prevailing cordial atmosphere disrupted, that he wanted a completely successful conference (unlike 1965), that he 'thoroughly trusted' Mara, and that he preferred to go independence with him rather than rather than with someone else who a pre-independence election might throw up.

The idea that Mara could be challenged by another Fijian leader on the eve of independence was simply unthinkable. He was the preeminent Fijian leader of the day, unchallenged and unchallengeable, standing tall (literally as well as metaphorically) above everyone else by virtue of his intellect, experience and traditional status as a paramount chief. More to the point, Koya and his fellow Federation leaders had probably come to accept that even the remote possibility of a government led by them might not be acceptable to the Fijians, all the paraphernalia of parliamentary democracy notwithstanding, that they would be safer remaining in Opposition, with the Fijians in charge. The fears and anxieties and the threatened Fijian reaction to the Federation's by-election victory were all too fresh in their minds. The Colonial Office was surprised at the Federation's concession, but accepted it as a pragmatic assessment in view of the prevailing circumstances.

Koya later told his party and the Indo-Fijian community generally that they should be grateful for the many concessions the Fijians had made. They had not insisted, for instance, on a 'belonger' status for non-indigenous residents of Fiji, which they could easily have done. If he were their lawyer, he said in 1970, he would have successfully argued their case: denying the privileges of full citizenship to the non-indigenous residents. This is what Koya said during the parliamentary debate on the independence constitution: 'If I were not the Leader of the Opposition and if I was not born in Fiji and held a brief for the Fijian people in the 1965 constitutional conference, I would have made the Britishers sit up and think what they are doing to the Fijian people. It was their country in 1874 and it was their country in 1965. I want those Indians who are criticizing the Fijians to know that there was nothing to stop the Fijians saying, 'You give the country back to us. The immigrant races, such as Europeans, Chinese, Rotumans and Indians are here as our guest.'⁶⁶ Parenthetically, a few years later, Koya changed his mind, saying that 'Everyone was a settler in Fiji, who had arrived in the islands by design or by accident,' and that 'land belongs to God, not to human beings.'⁶⁷

Ratu William Toganivalu, one of the Alliance's more independent-minded parliamentarians, took umbrage at Koya's claims, saying that the Great Council of Chiefs had never made citizenship an issue and that the 'belonger' business had never been raised in any of its proceedings. By implication, he was saying that Koya's claims were an insult to the chiefs. He was right. Koya's claim was indeed strange, and stranger still coming from the political leader of the Indo-Fijian community. Nowhere in the Commonwealth, whether in Africa, Asia or the Pacific Islands, had this issue ever been raised. Citizenship was invariably conferred on all those who were born in the country or met the appropriate citizenship requirements at the time of independence. It simply could not have been otherwise. Simple commonsense dictated the practice, to avoid unimaginable chaos and disruption and international litigation. And recent history was witness to it as well. Koya could be strangely cavalier.

He once dismissed Salisbury's Despatch, by which the party had placed so much store in the past for its promise of equality to Indian settlers in the colonies, as 'Just a piece of paper.'⁶⁸

Both Suva and London did everything in their power to ensure a successful, consensus conference. Lord Shepherd was aware that the method of voting might be the one sticking point between the parties. To avoid failure on this issue, he got both the Alliance and the NFP to agree, in advance in Fiji, that if no agreement could be reached on the method of election, both parties would agree to abide by the electoral provisions of the 1965 Constitution — the very same constitution that the party had rejected again and again and over which it had boycotted the Legislative Council, precipitating a divisive by-election and potential race riots! Ratu Mara was opposed to any form of common roll whatsoever and, furthermore, to any substantial reduction in the overrepresentation of the Europeans and Part-Europeans. He threatened to walkout of the conference if the UK delegation pressured him further to acquiesce. He would then return to Fiji to lead the Fijian resistance to the United Kingdom's plans for Fiji. That was a prospect London could not countenance in any circumstance, and Mara was fully aware of the strong suit he held in his hands and which he was prepared to play to get his way.

London's position on independence for Fiji was summarized well by Sir Leslie Monson, who visited Fiji in October 1969. Independence on the basis of Fijian paramountcy was the way forward, he reported.⁶⁹ 'We will not in the end be able to justify, either in conscience, or in political terms, in our own country, a solution that does not ensure that independence will leave Fijians in control.' If Fijians did not get paramountcy, 'the risk is that they will take by force and by unconstitutional means that which they consider to be theirs. This could produce an extremely serious internal security situation, in which we should have difficulty in protecting the Indian community.' The fear of violence was probably exaggerated, though the memory of 1968 was fresh in many minds. What of the interests of the Indian community? They would have to be content with strong

constitutional protection of their basic human rights. In time, 'the Indian side will concede that Fiji should go to independence under a constitution which would, at any rate for a time, give the Fijian side a constitutional advantage. This is the best for which we could hope... and do not think we should give up any opportunity of achieving this because of anxiety to relieve ourselves early of our defence and internal security responsibilities for the area.'

The 1970 Constitution provided for a bi-cameral legislature.⁷⁰ The Senate comprised twenty two members: eight nominees of the Great Council of Chiefs, seven of the Prime Minister, six of the Leader of the Opposition and one of the Council of Rotuma. The GCC nominees exercised the power of veto over all legislation that touched Fijian interests, including the Fijian Affairs Ordinance, the Fijian Development Fund Ordinance, the Native Land Trust Ordinance and the Agricultural Landlord and Tenant Ordinance. At any given time, indigenous Fijians made up almost two thirds of the Senate, because both the Prime Minister and the Leader of the Opposition included them among their nominees. What this meant in practice was that the Fijian members of the Senate effectively had the power of veto over all legislation approved by the House of Representatives. The idea of an Upper House with nominees of the Great Council of Chiefs and with watertight protection for Fijian interest came from the NFP, hoping that concession there might open up more room for democratic space in the Lower House. London knew from experience elsewhere in the colonies that upper houses were 'rather out of fashion' and generally ineffective, but with the NFP and the Alliance on the same side of the issue, it let the matter pass.

The House of Representatives was in essence an enlarged version of the post-1965 Legislative Council, comprising a mixture of communal and cross-voting (now called national) seats. Of the fifty two seats, Fijians and Indians each had twelve communal seats and the General Electors three. Of the national seats, Fijians and Indians each had ten seats and the Generals five. The old pattern was maintained. General Electors, always a tiny

minority of the population, continued to occupy a position of privilege in the parliament, with the full support of Fijian leaders. Indians retained an illusion of parity with Fijians. And Fijians enjoyed paramountcy by virtue of their dominance in the Senate and in the Lower House through the support of the General Electors. General voter over-representation was a concern for the United Kingdom, which wanted it reduced substantially, but Mara objected. The old colonial formula of Parity (for Indians), Privilege (for Europeans) and Paramountcy (for Fijians) remained firmly entrenched in the independence constitution

Fiji achieved its independence without the strife which had often accompanied decolonization in other parts of the world. That was a cause for quiet celebration. But everyone knew, deep in their hearts, that independence had not resolved any of the underlying concerns of the different communities about power sharing, about the best way to share the fruits of development, about their proper place in the larger scheme of things. These remained unarticulated, hidden from the public view. In his last despatch to London, Sir Robert Foster wrote:

A calm search for a just solution to the problem of representation has in the past proved virtually impossible: feelings ran far too deep. One is therefore bound to regret that in effect a time bomb will lie buried in the new Constitution, and to pray that it may be defused before exploding. The two parties have however publicly committed themselves to an act of faith which must give reasonable ground for hope.⁷¹

Reasonable hope: that, finally, was all that could be hoped for, as Fiji basked innocently and uncertainly in the feel-good afterglow of independence.

INTERLUDE

JAI RAM REDDY: ADVOCACY SKILLS ⁷²

Here in Fiji, all Barristers and Solicitors are advocates in as much as they appear before our Courts to plead a cause on behalf of their clients. An advocate is by definition someone who is propounding views on behalf of someone else, views to which he may not necessarily subscribe. His task is essentially to advance the cause for which he is instructed. The success with which he is able to plead a cause on behalf of his clients depends upon the skills that he is able to bring to the task. And the purpose of this talk, as I understand it, is to attempt to identify those skills. What are the skills that go into the making of a good advocate? Let me say to you at once that I do not feel qualified to answer that question, nor do I believe that the so-called skills lend themselves to any easy or precise description. All I can hope to do is to give you my impression of what I consider some of those skills to be.

We all know only too well that advocacy is not something that you can learn at a law school or in the Chambers of any Barrister. Advocacy and the skills that go with it is something that can only be learnt by experience. And that fact is the reason why so many fail. A young advocate is expected to perform before he has had a chance for any real schooling or rehearsal. That was certainly true of my generation of lawyers, and it is true of most now. There is a belief that no sooner you have acquired a degree in law, have been admitted to the Bar, donned the wig and the gown, you are ready to have a go. That is a myth. Most young practitioners are in a great hurry to get into Court. The result can be and often is disastrous. Let me illustrate to you what I mean.

I recall one of my first days in Court. It was before the Senior Magistrate sitting at Nadi. It was a civil case, a claim by a licensed moneylender for money lent on interest. I was for the plaintiff, my opponent was an experienced Counsel of many years standing. A variety of defenses were pleaded. I need not go into the details of the case, nor my performance, or the lack of it. Suffice [it] to say that the end of the closing address, the Magistrate immediately proceeded to deliver his judgment. He, of course, dismissed the claim with costs, and then turned to my client and said: 'Mr Parkar Singh, let me give you a piece of advice, and it is free: next time you decide to litigate, see a lawyer.'

You can imagine what that comment did for my self confidence, not to mention my ego. A number of things happened on that fateful day. First, as I have already said, my self confidence took a severe blow. Second, I lost my client. Third, I made a dreadful impression on the Magistrate (and it was to take a long time before I would repair that damage). Fourth, I possibly lost one or more potential clients who were sitting in the public gallery of the Court (although at that time I desperately hoped that they did not grasp the full implication of what the Magistrate had just told my client).

While this episode proved expensive to my client, it was a salutary lesson for me. It drove home to me how inadequate my learning at the University had been to prepare me for the task I was undertaking. It dawned on me then that learning to be a lawyer had just begun, even if in such an inauspicious way. Almost three years later, I was to hear the same Magistrate say exactly the same thing to another litigant represented by a new practitioner. Mercifully, this time, I was on the other side.

I believe it is extremely unfair, for any legal system, to let loose on often illiterate, trusting and simple people, as is the case in Fiji,

lawyers not yet ready to undertake the task for which they are supposed to have the skills. There are few professions that are allowed to experiment on the people, as lawyers do.

Good advocacy is largely a matter of learning and hard work, although innate skills must play a part. To be effective in Court, or before any Tribunal for that matter, Counsel should ensure that he has identified the specific issues requiring determination by the Court, both of law and facts; has mastered the facts of the case to the smallest detail; is able to present those facts in such an orderly fashion that it is readily understood by the Court; and, finally, has a good grasp of the law applicable to the facts and the issues requiring determination and is able to explain the law in a way that is easily understood.

The object of all advocacy is to persuade a Judge to accept the view that you are putting forward. That being so, one needs to present the case in such a way that it is acceptable. Judges are human. Before you satisfy his reason, indeed reach it, you must gain his ear. The more willing a Judge is to listen to you, the greater the chances of him being receptive to your arguments. It has been said that two things are all important to the advocate: the manner and the matter. And it is true, is it not, that sometimes even poor matter produced with good manners attracts attention? Conversely, good matter presented poorly and without due courtesy does not command attention. Yet, this simple truth is overlooked by so many Counsel at such great cost to themselves and the cause they advocate. There can be no excuse for discourtesy to the Court. I am aware that courtesy is a two way thing, and that Counsel also deserves to be treated with courtesy.

But I believe that the primary responsibility in this area rests with Counsel. In my years of practice, I have rarely known a

Judge who has not responded in a like manner to due courtesy extended to him. A rude and unnecessarily belligerent Counsel is no advocate at all. Courage is the mark of a good advocate. But belligerency must not be confused for courage.

First and foremost, every would-be advocate has to ensure that he learns the art of speaking clearly, directly and simply. This is a matter of practice. The audience, Judge, assessors, witnesses, opposing Counsels, should not have to strain to hear you. Only then will they give effortless attention to what you are saying. It is not unusual to see Counsel carrying on in a dull, monotonous tone, not caring or even conscious about whether they are being heard or not. Nothing distresses a client like the knowledge that his advocate is not being heard. Remember that his day in court is very important to him.

An intimate and sympathetic understanding of human nature is an important tool in the armoury of any advocate, as is an understanding of the culture and ethos of the people in whose midst he practices his vocation. It is a little disconcerting, but nonetheless true, that ordinary people, be they witnesses or assessors, are more likely to be moved by raw emotion such as by hate or love or lust or rage or sorrow or joy or hope or fear, than by the reality of calm and dispassionate logic. When making submissions, be it to a judge or assessors or in cross examining hostile witnesses, the advocate is required to entice, to flatter, to cajole, to push, all in order to advance the cause for which he has been instructed.

In the United States recently, there was the celebrated trial of OJ Simpson. From all accounts, the emotions, hopes and prejudices of the Jury were fully exploited by highly accomplished advocates, and all this may have played an important part in the ultimate result in that case. And in that format, that is, in trials before a Jury, certainly an advocate does require skills that are very special.

Some of the most celebrated advocates in the history of the English legal system have been men who possessed extraordinary skills for histrionics, for high drama, who possessed the art of the dialectician, and the gifts for great heights of oratory.

In modern times, and certainly in trials before a Judge sitting alone, these special skills are perhaps of marginal value. Indeed, they can be a handicap. If you are before a judge sitting alone, as is often the case in Fiji, it is best to keep to simple language conforming to the standards of the best prose. While rhetoric has its place in advocacy even before a Judge sitting alone, it has to be kept under tight control as there is no substitute for calm logic, a clear sense of design, and complete control of temper and emotion.

Generally speaking, Judges sitting alone become a little impatient with rhetorical flourishes. There is the story about a Counsel who opened his case to a Judge sitting alone. Before long he was in full flight, giving full expression to his undoubted talent for rhetoric. The Judge simply tapped on his desk and said, 'Mr Blank, there is no Jury.' Counsel apologized and began again, only to lapse into his ways. For some time, the Judge suffered it, then tapped on the desk again. 'Usher,' he said, 'switch on the light over the Jury Box: Mr Blank does not believe me.'

Every advocate has to understand that while lay assessors will be swayed by emotions, there is little to be gained by making it obvious to them that you think so. No assessor will ever tell that he was swayed by 'emotion' into reaching a given conclusion. He will tell you that strict logic, and that alone, took him to the conclusion. In short, an advocate must not play with the emotions of the assessors, because they will see through it fairly quickly.

Therefore, even as you are addressing the assessors, it is important to present your address in the form of well built arguments,

while the emphasis and appeal can be emotional. The facts have to be marshalled to form the steps of the arguments in order to lead them to the conclusion that is desired, and in such work rhetoric has its place. As I said earlier, it has to be controlled. What that means is that an advocate must learn when it is suitable and when it is not.

Other than making speeches, an advocate is also called upon to handle the evidence which he calls in support of his case. An advocate will only be able to do this if he is thoroughly familiar with the facts, and has sorted those facts that are relevant from those that are not relevant. He has to do this before he has stepped inside the Court.

The object of any Examination-in-Chief must enable a witness to make his own impression on the court. He will never be able to do that if Counsel insists on asking leading questions. In my view, it is very bad practice for Counsel to lead a witness, particularly on disputed matters of fact, and especially so in criminal cases. Evidence elicited by asking leading questions diminishes the value of the evidence, because in truth it is the advocate that is giving the evidence, with the witness merely assenting. The witness has no opportunity of making his own impression.

The art of Examination-in-Chief is to take the witness by short steps and simple questions. The questions should never suggest the answer required. They should be so framed that they cannot fail to produce the answer wanted. Long questions merely confuse the witness, particularly so when they have to be translated into Hindi or Fijian as is the case in Fiji. Short questions make the task of the interpreter easier. The witness finds it easier to answer simple questions and gains confidence as the Examination proceeds.

It is not possible to teach anyone how to cross examine. It is possible to study examples of it. Probably the best way of receiving instructions on it is to listen to someone who knows how to do it. But let me make some general comments on this subject. In my view, the importance of cross examination is probably overrated, although it remains a powerful weapon, particularly when the evidence adduced is patently dishonest or grossly mistaken. There is an impression in some quarters that cross examination is the art of asking many questions about many things. The longer it lasts the better it is said to be. This belief partly accounts for the very prolonged trials that we have in this country I recall prosecuting a murder case in the Lautoka High Court (then called the Supreme Court) in the late sixties, when the trial within a trial lasted for some thirty days, most of it taken up in cross examination of police officers. When the matter went on Appeal to the Fiji Court of Appeal, the record consisted of some five volumes. Looking to the relevant bits of evidence was bit like looking for a needle in a haystack. The most effective cross examinations are often the shortest, although I accept that there are some cases where it has to be extensive, particularly in cases where the evidence is clearly fabricated.

Questions in cross examinations have to be directed to a particular end. They should be directed to enhance your case and to diminish your opponents'. For example, if you are defending a murder case, and on the facts the only line of defense available to you is provocation, then your cross examination should be focused on that issue and that issue alone. If you are meandering all over the place, on peripheral issues not relevant to your defense, then you only help take away from the one issue that is all-important. In my own experience, particularly in a criminal case, I find it useful to first determine your line of defense (consistent, of course,

with the instructions of your client) and then to identify the weaknesses in the prosecution's case and confine your cross examination to those two areas.

Cross examination is a dangerous weapon. If a witness has not given any evidence adverse to your client, leave him alone. Do not ask questions for the sake of it. Never afford a witness the opportunity to say one thing that could be fatal to your client. We have all been victims of that at one time or another. Over the years, I have seen Counsel fall victim to that one question again and again.

Let me give you an example. Some years ago, I was representing a man charged with arson. The only evidence against him was his alleged confession made to the Police. He claimed that the confession was a fabrication, and that in any event he had been beaten up and otherwise oppressed. He gave evidence in support. I called the accused man's relative as a witness, but only to prove that the accused was taken from his home late at night and that the time he had spent in the company of the Police was well in excess of what the Police made out.

This relative had accompanied the accused with the Police to a school where the interview took place. I did not adduce any other evidence from this witness. The Prosecutor then cross examined him at great length. His last question was: 'While you were in the school compound, did you hear any noise coming from one of the classrooms?' The answer was 'Yes, it was the sound of distress, it sounded as if someone was being beaten up,' or words to that effect. The Judge threw out the confession. In his ruling, he made a great deal of the fact that this evidence had come out, not in evidence-in-chief, but in the cross examination of the witness and that he was inclined to believe it in that it had at least given rise to doubts in his mind.

The danger with cross examination lies not only in what is asked, but how it is asked. Some practitioners seem to think that cross examination is the art of examining crossly. There is little point in bullying a witness. This approach often creates sympathy for the witness, both with the Judge and with the assessors. It is said, and quite rightly, that the most deadly cross examination is often the most courteous. We must remember that most people who come before our courts are simple people unfamiliar with formal Court surroundings. Some are illiterate. Bullying and badgering such people is hardly fair. From my experience, most Judges take very unkindly to such practices.

By and large, most witnesses who come to give evidence are obviously truthful persons. (I was intrigued to read only the other day that in 1967, a Counsel told the House of Lords: 'In criminal cases a large number of the clients are rogues and in many civil cases the clients are unreliable.') You cannot change the character of the evidence given by a truthful witnesses by cross examination, except to make it stronger. The more you cross examine the more obvious it will become that the witness is telling the truth. With such witnesses, it is best to ask only essential questions and get them out of the witness box as soon as you can. The longer they stay in the box, the deeper the impression they make against you.

The work of an advocate is not easy. For a variety of reasons, legal proceedings can cause severe headaches for advocates. It is difficult not to sympathize with the defense counsel who is said to have told the Jury in his closing speech: 'I am doing my job to the best of my ability with what I have had to work with.' That is the lot of an advocate, having to work with the case he has and not the case he would like to have had. An advocate is always working under pressure, pressure from the Court and pressure

from the client. There is a report of a case in which the Judge severely reprimanded Counsel because the case listed for two weeks had taken 75 days to try. The Counsel's closing speech lasted 28 hours, and was criticized by the Judge for its lack of structure and its irrelevant content. 'You required prompting from the prosecution and the Court,' remarked the Judge, 'and even from the foreman of the Jury.'

No matter how hard an advocate tries, the Judge may not appreciate his efforts. The Judge of course does not always say so, but the advocate is expected to know and understand it. So it is with your clients; you are invariably judged not by how you performed, but by what results you secured. That puts an enormous burden on the advocate. An advocate can expect to lose as many cases as he wins. He, therefore, requires a thick skin. He has to get accustomed to being told that what he has so confidently submitted 'is without foundation in law or fact or common sense.'

An advocate also faces a moral dilemma. Every advocate knows that acting in the interests of a client does not always promote the interests of society in general; and there is always the matter of his conscience. Every advocate has to comply with the complex code of ethics. The code purports to reconcile his duties to his client with his duties to his society. Clearly, there are limits to the extent to which he can and should act as a mouthpiece of his client.

There is a fine line between good advocacy which focuses on the strength of his case and appeals to the emotions of the court on the one hand, and sharp practices and sham theatricals calculated to mislead the Court on the other. There is always a point where an advocate's obligations to his client end, and obligations to society begin.

NOTES

1. A conventional account of the CSR is Michael Moynagh, *Brown or White? A history of the Fiji sugar industry, 1873–1973* (Canberra: ANU Pacific Research Monograph Series no 5, 1981).
2. A convenient discussion of these issues is my *Broken Waves: A history of the Fiji Islands in the 20th century* (Honolulu: University of Hawaii Press, 1992).
3. This is discussed at length in Sir Alan Burns et.al, *Report of the Commission of Enquiry into the Natural Resources and Population Trends of the Colony of Fiji*, Legislative Council Paper 1/1960.
4. See my ‘Veil of Dishonour: Sexual Jealousy and Suicide on Fiji Plantations,’ *Journal of Pacific History* (1985): 20, 135–155.
5. Quoted in Dharma Kumar, *Land and Caste in South India* (Cambridge: Cambridge University Press, 1965), 137. This excellent book provides insights into the society and political economy of South India in the late 19th and early 20th centuries.
6. This is treated at length in my *Girmitiyas: The origins of the Fiji Indians* (Canberra: Journal of Pacific History Monograph, 1983). More generally, see KL Gillion, *Fiji’s Indian Migrants. A history to the end of indenture in 1920* (Melbourne: Oxford University Press, 1962).
7. This is from a talk reprinted in a *Sangam* souvenir magazine, given to me courtesy of Mr Jag Nandan.
8. I treat the historiographical debate about indenture in my *Chalo Jahaji: On a journey through indenture in Fiji* (Suva: Fiji Museum, 2000).
9. Quoted in Edgar Thurston, *Castes and Tribes of Southern India* (1909, rep 1987), Indian Educational Service, 94–95.
10. Ibid. 98–99.
11. In South Africa, where South Indians outnumber North Indians, the latter are derisively called ‘Roti,’ leavened bread, good-for-nothing!
12. This is based on potted history of the organisation in its annual souvenir magazines published at the time of its annual convention in April of each year.

The precise details of the actual leading lights of early Sangam, its benefactors and supporters are in Bal Govinda, 'The Arrival of Indians in Fiji and the Formation of Then India Sanmarga Ikkya Sangam,' unpublished manuscript, ca 2001.

13. This is based on Sangam files at the National Archives of Fiji, but see my *Vision for Change* for a summary.
14. For valuable information, see M.R. Balaganapathi, *Swami Rudrananda: The visionary reformist*, undated 31 page manuscript sent to me by the author.
15. See Stewart Firth and Daryl Tarte (eds), *20th Century Fiji: People who shaped the nation* (Suva: University of the South Pacific, 2001), 133–34: 'He was a fiery man and when angered his flinty eyes blazed and he gesticulated fiercely.'
16. I base this on my conversation with many South Indian community leaders over a long period of time.
17. AD Patel singled this person out for praise for his effort on behalf of the school. He was in all probability in colonial district administration or an officer of the CSR.
18. Reddy had Natabua Secondary School in mind, a government school for Indian children started in 1918.
19. I am grateful for information on the Reddy family history to Janardan Reddy who has written a small monograph on it.
20. Numerous people have told me that Government House was struck down by lightning the day the Sadhu was deported, suggesting divine retribution.
21. WEH Stanner, *The South Seas in Transition: Post-War Rehabilitation and Reconstruction in Three British Pacific Dependencies* (Sydney: Australasian Publishing Company, 1953), 179.
22. JW Coulter, *Fiji: Little India of the Pacific* (Chicago: University of Chicago Press, 1942), 93. One of the villages he studied was Laqere, across the river from my own. I have attempted to describe life in my village, Tabia, in the 1950s and 1960s in my *Mr Tulsi's Store: A Fijian Journey* (Canberra: Pandanus Books, 2001). For another evocation, see Rajendra Prasad, *Tears in Paradise: A Personal and Historical Journey, 1879–2004* (Auckland: Glade Publishers, 2004).

23. An excellent guide, with an introductory Fiji perspective on Indian movies, is Vijay Mishra, *The Bollywood Cinema: Temples of Desire* (New York: Routledge, 2002).
24. Joni Madraiwiwi, *A Personal Perspective: The speeches of Joni Madraiwiwi* (Suva: Institute of Pacific Studies, 2008), 277.
25. Chanan was our immediate neighbour in Tabia, Labasa. He still runs his tailoring business in Suva.
26. Erik Møse to Brij V Lal, personal correspondence, 20 Feb. 2009
27. A somewhat dated account of Gordon's life is in JK Chapman, *The Career of Arthur Hamilton Gordon: First Lord Stanmore, 1829–1912* (Toronto: University of Toronto Press, 1964).
28. The distortions Gordon's policies caused to the workings of indigenous Fijian society are treated in Peter France, *Charter of the Land: Custom and colonization in Fiji* (Melbourne: Oxford University Press, 1969).
29. An account of the Fijian leader's life is in Deryck Scarr, *Ratu Sukuna: Soldier, Statesman, Man of Two Worlds* (London: Macmillan, 1980).
30. Peter France, *Charter of the Land. Custom and colonization in Fiji* (Melbourne: Oxford University Press, 1969).
31. See Josefata Kamikamica, 'Fiji native land: Issues and challenges,' in Brij V Lal and Tomasi Vakatora (eds), *Fiji in Transition: Research Papers of the Fiji Constitution Review Commission* vol.1 (Suva: University of the South Pacific, 1997), 259–290. Also Isireli Lasaqa, *The Fijian People: before and after independence* (Canberra: Australian National University Press, 1984), 5ff.
32. Sir Alan Burns, WT Watson and AT Peacock, *Report of the commission of Enquiry into the Natural Resources and Populations Trends of the Colony of Fiji, 1959* (Legislative Council Paper 1/1960).
33. This is based on the text of the Agricultural Landlord and Tenant Ordinance published in the Fiji Royal Gazette.
34. Legislative Council debate reproduced in the publication *National Federation Party: Uniting Fiji* (Suva, NFP, 2008), 39.

35. Letter from Trafford Smith to Sir Derek Jakeway, 31 Aug 1964 in CO 1036/1458, no 64
36. On the history of the CSR, see Michael Moynagh, *Brown or White? A history of the Fiji sugar industry, 1873–1973* (Canberra: ANU, Pacific Research Monograph Series, no.5, 1981).
37. See my *Chalo Jahaji: On a journey through indenture in Fiji* (Suva: Fiji Museum, and Canberra: Division of Pacific and Asian History, 2000).
38. See K Gillion, *Fiji Indians: Challenge to European Dominance, 1920–1946* (Canberra: Australian National University Press, 1977).
39. See my *A Vision for Change: AD Patel and the politics of Fiji* (Canberra: National Centre for Development Studies, 1997).
40. For a full account, see *A Vision for Change*, 59–82. The confidential files upon which this account is based are available at the National Archives of Fiji. A self-serving and factually slanted account by a participant is in Ajodhya Prasad, *A History of the Kisan Sangh* (in Hindi). Prasad was later a founding member of the Alliance Party.
41. For more on this, see generally my *A Vision for Change*.
42. The quotes are from a copy of the constitution in my possession.
43. For this, apart from figures from the census reports, I am grateful to Dr Satya Srivastva for her research on population and Indo-Fijian women in Fiji.
44. See my *Broken Waves*, 143–146.
45. These figures are extracted from *Fiji Annual Reports* published by the Colonial Office, London.
46. For a detailed discussion, see Ahmed Ali, 'Fiji and the Franchise, 1900–1937,' unpublished PhD dissertation, ANU, 1973, a sadly unrevised version of which was published posthumously in 2008.
47. For more on this, see Ahmed Ali, *Plantation to Politics: Studies on Fiji Indians* (Suva: *Fiji Times*, 1980), 107–129.
48. For a detailed documentary history of the move towards independence, see my *Fiji: British Documents on the end of empire* (London: the Stationery Office,

- 2006). Detailed reference will therefore be kept to a minimum.
49. The full letter is reproduced in my *Broken Waves: A history of the Fiji Islands in the 20th century* (Honolulu: University of Hawaii Press, 1992), 189.
 50. 'Policy in Fiji,' CO 1036/612, no. 11.
 51. The discussion below and the quotes come from Chapter 3 of my *Fiji: British Documents on the end of Empire*, Document numbers 53–84. A summary is in my *A Bomb Lies Buried*.
 52. See generally my *Vision for Change*, 209–211.
 53. The Conference report (9 August 1965) is in CO 1036/1510, no. 2.
 54. AJ Fairclough to Sir Derek Jakeway, 29 June 1967 in FCO 32/59
 55. Frank Rennie, *The Regular Soldier* (Auckland, 1986), 286. Mara is reported as having said, 'We might let things take their course for a while.'
 56. *Fiji Times* 27 Sept. 1968.
 57. JH Lambert to JDB Shaw, 19 July 1968 in FC032/31.
 58. See Fiji Intelligence Report, C0 1036/1216, no. E91 and E 2/88.
 59. The meeting took place at the residence of Navin Patel, in Ba. Navin's parents were Charotari Patels, like AD.
 60. See GP Lloyd to JC Morgan 15 Nov. 1968, FCO 32/401, no 3.
 61. GTP Marshall to EJ Emery, 1 May 1969, FCO 32/401, no. 81.
 62. Reported in *Fiji Times*, 8 Aug. 1975. Mara is reported in *Fiji Nation* vol. 1, no.18 (1970), 1, urging flexibility on constitutional dialogue. 'No one should think that even when the Constitution is approved and we have resolved all our ideas on representation, that this is the last step and that all is immutable forever.'
 63. The submission itself was prepared by Raj Vasil of the Victoria University of Wellington, with the assistance of Jai Narayan, Irene's husband.
 - 64 See *Report of the Royal Commission Appointed for the Purpose of Considering and Making Recommendations as to the Most Appropriate Method of Election Members to, and Representing the People of Fiji in, the House of Representatives*, Fiji Parliamentary Paper 24/1975.

65. Letter from Sir Robert Foster to EJ Emery, 23 Dec 1969 in FCO 32/405, no. 229.
66. Quoted by Jai Raj Singh, *Fiji Sun*, 20 Sept. 1977.
67. *Hansard*, 9 Oct. 1975.
68. *Hansard*, 27 May 1977.
69. Minute by Sir Leslie Monson to Lord Shepherd, 10 Oct 1969 in FCO 32/404. no.154
70. See *Fiji Constitutional Discussions: Report on Lord Shepherd's visit to Fiji, January 1970*, in Legislative Council Paper 1/1970.
71. 'Fiji' final despatch from Sir Robert Foster to Sir Alec Douglas-Home, 8 Oct 1970, FCO 32/606, no.1
72. Talk given to a workshop organized by the Director of Public Prosecutions (Nazhat Shameem) in the mid-1990s.